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Report of the sixth session of the Meeting of the Parties

Addendum

Decisions adopted by the Meeting of the Parties

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Decision VI/1
Promoting effective access to information

The Meeting of the Parties,

Recalling the provisions of articles 4 and 5 and other relevant provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Further recalling its decisions I/6, II/3 and III/2 on electronic information tools and the clearinghouse mechanism, decisions IV/1 and V/1 on access to information, V/5 on the strategic plan for 2015–2020 and VI/5 on the work programme for 2018–2021,

Recognizing that effective public access to environmental information is critical for the successful implementation of a number of Sustainable Development Goals and for supporting the work on a data revolution,[1] and is specifically targeted by Sustainable Development Goal 16 (target 10),

Also recognizing the need to ensure that modern information and communication electronic tools should be fully employed so as to safeguard effective implementation of the information pillar of the Convention,

Mindful that national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Access to Information to date have collectively shown that challenges remain with regard to the full implementation of the information pillar of the Convention across the region, and also to making information fully publicly accessible in a transparent and effective way,

Noting the cross-cutting nature and wide scope of environmental information and its linkages with geospatial, statistical, hydrometeorological, health, Earth observation and other relevant information,

Having reviewed the reports of the Task Force on Access to Information submitted to the Working Group of the Parties in the period since the fifth session of the Meeting of the Parties,[2]

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Information and expresses its gratitude to the Republic of Moldova for its leadership of the Task Force;

2. *Welcomes* initiatives by Parties, signatories, partner organizations and other stakeholders to widen and improve public accessibility of environmental information, including through electronic information tools and e-government,[3] open government data,[4] the Shared Environmental Information System in the pan-European region and other similar initiatives;

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[1] For more information, please see: http://www.undatarevolution.org/.

[2] ECE/MP.PP/WG.1/2015/3, ECE/MP.PP/WG.1/2016/3 and ECE/MP.PP/WG.1/2017/4.

[3] E-government initiatives encompass activities of the public authorities to deploy information and communication technologies for improving knowledge and information in the service of the public.

[4] Open government data initiatives encompass activities to make information or data produced or commissioned by governments available for everyone to access, reuse and redistribute without any restrictions.

3. *Also welcomes* initiatives by Parties, signatories, partner organizations, and other stakeholders to create single web access points, conceived to be user-friendly, that aggregate data and information resulting from different reliable sources;

4. *Invites* Parties, signatories, partner organizations and other stakeholders to continue strengthening implementation of the information pillar of the Convention at the national level, in particular public access to information regarding the quality of the environment and emissions into the environment in accordance with the Convention, hazardous substances and wastes, environment-related product information and decision-making in environmental matters;

5. *Also invites* Parties, signatories, partner organizations and other stakeholders to take necessary measures to ensure public access to real-time, as appropriate, up-to-date, accurate and functional environmental information, and to promote its interoperability, sharing and accessibility in forms and formats meeting the needs of different users;

6. *Urges* Parties to ensure that the scope of environmental information is interpreted broadly in line with the requirements of the Convention when executive regulations, legislative and policy documents relating to access to environmental information are prepared, and in the process of taking decisions on the disclosure of such information, and to engage the relevant environmental expertise in these processes for this purpose;

7. *Invites* Parties and signatories to keep under continuous review the application of the exceptions in disclosure of environmental information and to take, as appropriate, necessary measures to establish a clear and predictable legal framework to ensure the legitimate application of these exceptions and the disclosure of information on emissions in accordance with the Convention;

8. *Calls* on Parties, signatories, international organizations, non-governmental organizations and other stakeholders to continue sharing good practices, case studies, project outcomes and other useful material through the Aarhus Clearinghouse and online databases, and to support the development of national nodes;

9. *Also calls* on Parties, signatories, partner organizations and other stakeholders to promote the wider use of modern electronic information tools as an effective instrument for putting into practice the Convention's provisions, including through public-private partnerships;[5]

10. *Reiterates* the important role of Aarhus Centres, the media, public libraries and other information sites in facilitating public access to environmental information and calls on Parties, signatories, international organizations, non-governmental organizations and other stakeholders to support their relevant activities;

11. *Decides* to extend in time the mandate of the Task Force on Access to Information, under the authority of the Working Group of the Parties to the Convention;

12. *Welcomes* the offer of the Republic of Moldova to lead the Task Force on Access to Information;

13. *Requests* the Task Force on Access to Information, subject to the availability of resources, to promote the exchange of information, case studies and good practices, and to discuss possible further developments and the strengthening of public access to environmental information, with special attention to:

[5] A public-private partnership is a scheme that involves cooperation between the public and the private sector aiming at financing, designing, implementing and operating public sector infrastructure and services supporting the implementation of the Convention.

(a) Effective protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention;

(b) Active dissemination of environmental information:

(i) With the focus on the update of the recommendations set out in decision II/3, taking into account the developments in the Shared Environmental Information System, geospatial information management, Earth observation data, e-government, open government data, reuse of public sector information and other relevant initiatives across the region and recent technical developments;

(ii) Along with the provision of all necessary information to the public in case of an imminent threat to human health and the environment;

(iii) Focusing on the use of modern technologies by the public for assembling, exchanging and using environmental data and information;

(c) Public access to environmental information of particular types with a specific focus on:

(i) Access to environment-related product information;

(ii) Access to information with respect to genetically modified organisms;

(iii) Access to information on emissions into the environment;

(iv) Access to information in environmental decision-making procedures;

(d) Further population of the Aarhus Clearinghouse for Environmental Democracy;

(e) Application of restrictions on access to environmental information in accordance with the Convention, specifically including internal communication within the public administration in order to have a better awareness of specific competences and facilitate public access to required information;

14. *Invites* Parties, signatories, other interested States and international and other organizations to participate in the Convention's activities on access to information, support relevant capacity-building activities at all levels and to allocate resources for this matter as far as possible;

15. *Entrusts* the secretariat, subject to the availability of resources, to participate in and implement, as appropriate, capacity-building activities, including workshops and trainings; to contribute to relevant initiatives under other forums; and to promote electronic information tools in the region and beyond through the maintenance and further development of the Aarhus Clearinghouse, media tools and online databases (e.g., the jurisprudence database, national implementation reports and the Aarhus Good Practice database);

16. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public access to environmental information during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and other stakeholders to exchange experiences in the subject matters that deserve particular attention.

Decision VI/2
Promoting effective public participation in decision-making

The Meeting of the Parties,

Recalling the provisions of articles 6, 7 and 8 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), and the provisions of article 6 bis of the amendment to the Convention on public participation in decisions on the deliberate release into the environment and placing on the market of genetically modified organisms,

Also recalling its decisions EMP.II/1 and V/2 on public participation in decision-making, V/5 on the strategic plan for 2015–2020 and VI/5 on the work programme for 2018–2021,

Recognizing the critical role of effective public participation for successful implementation of the Sustainable Development Goals,

Mindful that the 2014 cycle of national implementation reports, the findings of the Compliance Committee and the work carried out under the auspices of the Task Force on Public Participation in Decision-making to date have, collectively, shown that challenges remain to the full implementation of the second pillar of the Convention across the region,

Recognizing the vital role played by the Task Force on Public Participation in Decision-making in bringing together experts from governments, civil society and other stakeholders to exchange experiences regarding those challenges and to explore possible good practices to address them,

Welcoming the important contribution to furthering implementation of the second pillar played by organizations engaged in capacity-building at the national and subregional levels,

Also welcoming the work of Aarhus Centres in several countries, as platforms to facilitate public participation by providing environmental information, raising public awareness, promoting participatory debate on environmental policies, programmes and projects and providing assistance to members of the public in exercising their rights,

Underlining the need to further the implementation of the second pillar of the Convention (articles 6, 7, 8 and, prospectively, 6 bis) so as to provide for more effective public participation in decision-making in environmental matters,

Having reviewed the reports of the Task Force on Public Participation in Decision-making submitted to the Working Group of the Parties in the period since the fifth session of the Meeting of the Parties,[6]

1. *Notes* with appreciation the work undertaken by the Task Force on Public Participation in Decision-making and expresses its gratitude to Italy for its leadership of the Task Force;

2. *Recognizes* the valuable role in a number of Parties of the Maastricht Recommendations on Promoting Effective Public Participation in Decision-making in Environmental Matters (Maastricht Recommendations),[7] developed under the auspices of the Task Force, and invites Parties, signatories, other interested States and stakeholders to use them as a guidance to improve implementation of the second pillar of the Convention, including by translating them into national and, as appropriate, local languages, and distributing them among all relevant target groups dealing with public participation at the

[6] ECE/MP.PP/WG.1/2015/4, ECE/MP.PP/WG.1/2016/4 and ECE/MP.PP/WG.1/2017/5.

[7] ECE/MP.PP/2014/2/Add.2.

national and subnational levels, such as public authorities, non-governmental organizations, operators, the private sector and the general public;

3. *Welcomes* initiatives taken by Parties, signatories, international organizations, non-governmental organizations, research institutes and other stakeholders to study good practices, examine practical means of promoting more effective public participation in environmental decision-making and share their findings and experience, and encourages further activities to this end;

4. *Requests* the secretariat to make information on such activities as widely accessible as possible through the Aarhus Good Practice database and other online tools;

5. *Invites* Parties, signatories, international organizations, non-governmental organizations and other stakeholders to strengthen implementation of the public participation pillar of the Convention at the national level, and where possible to make resources available for this purpose;

6. *Invites* organizations engaged in capacity-building to further the implementation of the second pillar of the Convention and to focus on developing training programmes at the national level, as a priority, and also at the subregional level, for public officials involved in the day-to-day task of carrying out public participation procedures covered by articles 6, 7 and 8 of the Convention;

7. *Invites* researchers focusing on participatory processes and environmental decision-making to use the resources gathered under the auspices of the Task Force in their research, and also to share the results of their research with the Task Force;

8. *Encourages* Parties, signatories, other interested States, international organizations, non-governmental organizations, research institutes and other stakeholders to participate in the activities under the Convention on public participation in decision-making and to allocate sufficient resources for this matter;

9. *Decides* to extend in time the mandate of the Task Force on Public Participation in Decision-making, under the authority of the Working Group of the Parties to the Convention, to carry out further work, taking into consideration the relevant work being undertaken by Parties, signatories and other stakeholders;

10. *Welcomes* the offer of Italy to lead the Task Force on Public Participation in Decision-making;

11. *Requests* the Task Force, subject to the availability of resources and taking into account, inter alia, the national implementation reports, the findings of the Compliance Committee of a systemic nature, other relevant assessments and the experiences of the public, to continue working to strengthen the implementation of the public participation provisions of the Convention, with special attention to:

(a) Gathering information on experiences from Parties and stakeholders regarding the application of the Maastricht Recommendations;

(b) Overseeing the collection and dissemination of good practices in public participation in decision-making through the Aarhus Good Practice online database;

(c) Exchanging good practices and identifying innovative practices that facilitate more effective public participation without entailing additional significant financial or human resources on the part of public authorities;

(d) Identifying the main obstacles to effective public participation in all types of decision-making within the scope of the Convention at the national, subnational and local levels, in particular with regard to issues of a systemic nature such as:

(i) Meaningful and early public participation;

(ii) The availability of all relevant documents to the public;

(iii) Effective notification and time frames for public participation;

(iv) Participation of vulnerable and marginalized groups;

(v) Protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention;

(vi) Ensuring that greater account is taken of the comments from the public in the final decisions, and ensuring the appropriate provision of feedback on how the public's comments have been taken into account in the decisions;

(e) While continuing to consider public participation in climate change-related decision-making, addressing, in collaboration with relevant partner organizations and as appropriate, the following subjects:

(i) Public participation in decision-making on the extractive sector;

(ii) Chemicals;

(iii) Emerging technologies (e.g., nanotechnology);

(iv) Product-related decision-making;

(v) Energy-related issues;

12. *Requests* the Working Group of the Parties to hold a thematic session on promoting effective public participation in decision-making during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and stakeholders to exchange experiences on the subject matters that deserve particular attention.

Decision VI/3
Promoting effective access to justice

The Meeting of the Parties,

Recalling the provisions of article 9 and other relevant provisions of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

Also recalling its decisions I/5, II/2, III/3, IV/2 and V/3 on promoting effective access to justice, V/5 on the strategic plan for 2015–2020 and VI/5 on the work programme for 2018–2021,

Affirming the importance of the rule of law and the need to further strengthen its application in environmental matters,

Recognizing that effective access to justice in environmental matters is critical for the successful implementation of a number of Sustainable Development Goals, in particular Goal 16,

Mindful that national implementation reports, the findings of the Compliance Committee, relevant case law of the Parties and the work carried out under the auspices of the Task Force on Access to Justice to date have collectively shown that challenges remain to the full implementation of the third pillar of the Convention across the region,

Having reviewed the reports of the Task Force on Access to Justice submitted to the Working Group of the Parties in the period since the fifth session of the Meeting of the Parties,[8]

1. *Notes with appreciation* the work undertaken by the Task Force on Access to Justice, and expresses its gratitude to Sweden for its leadership of the Task Force;

2. *Encourages* Parties, signatories and other interested States to undertake further considerable efforts to improve the effectiveness of public access to justice in environmental matters, e.g., by removing as the case may be financial and other barriers, such as standing and scope, stimulating multi-stakeholder dialogues, increasing public accessibility to the relevant information as required by the Convention and implementing e-justice initiatives,[9] and calls on international organizations and other stakeholders to support these efforts;

3. *Welcomes* initiatives of Parties, signatories, international organizations and other stakeholders to strengthen the protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention against penalization, persecution, harassment and other forms of retaliation for their involvement, and calls on Parties, signatories, international organizations and other stakeholders to further support such initiatives;

4. *Also welcomes* capacity-building initiatives by Parties, signatories and international organizations and other stakeholders aimed at promoting more effective implementation of article 9 of the Convention, and encourages Parties, signatories and international organizations and other stakeholders, as appropriate, to undertake such initiatives in the next intersessional period;

5. *Expresses its appreciation* to Parties, signatories and other stakeholders for contributing material to the online jurisprudence database concerning the Convention, and calls on Parties, signatories and other stakeholders, including judges, legal professionals and academics, to use and promote the database and to further contribute to its expansion and improvement;

6. *Stresses* the pivotal role that courts play in interpreting provisions of domestic law on access to justice and the importance that such provisions be interpreted in accordance with the Convention;

7. *Also stresses* the significant role of national and international associations of judges, prosecutors and other legal professionals, and in particular of judicial training institutions, and also the substantial role of public interest lawyers and non-governmental organizations in promoting effective public access to justice;

8. *Welcomes* the establishment of a network of the judiciary, judicial training institutions and other review bodies in the pan-European region under the auspices of the Task Force to promote the exchange of experiences in access to justice and the enforcement of the rule of law in environmental matters, and encourages the cooperation of the network with networks of other legal professionals;

9. *Invites* Parties and signatories to support the participation of representatives of the judiciary, judicial training institutions and other review bodies in the network, invites other such networks to participate in this initiative and calls on partner organizations to support the initiative;

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[8] ECE/MP.PP/WG.1/2016/11, ECE/MP.PP/WG.1/2017/6 and ECE/MP.PP/WG.1/2017/5.

[9] E-justice initiatives include the use of information and communication technologies to improve public access to justice and other types of activities involving the resolution of disputes.

10. *Welcomes* initiatives of the Parties and signatories to strengthen judicial specialization in environmental law and the capacities of courts and other relevant bodies in using independent environmental expertise, as appropriate;

11. *Encourages* Parties to continue the integration, to the extent possible, of the issue of access to justice in environmental matters into the curriculum of law faculties, public administration and judicial training institutions and other relevant institutions supporting the implementation of the Convention;

12. *Decides* to extend in time the mandate of the Task Force on Access to Justice, under the authority of the Working Group of the Parties, to carry out further work in relation to the implementation of the Convention;

13. *Welcomes* the offer of Sweden to lead the work of the Task Force;

14. *Requests* the Task Force, subject to the availability of resources, to undertake the following work:

(a) To promote the exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention, with a focus on the main barriers to effective access to justice and with special attention to:

(i) Information cases;

(ii) Acts or omissions that contravene permit requirements or laws relating to the environment;

(iii) Financial barriers;

(iv) The protection of whistle-blowers, environmental activists and other persons exercising their rights in conformity with the provisions of the Convention

(v) Standing;

(vi) Scope;

(b) To identify priority needs with respect to public access to justice in environmental matters, to take stock of capacity-building initiatives taking place in the region and beyond, and to promote the involvement of associations of judges, public interest lawyers and other legal professionals in these initiatives;

(c) As resources allow, to prepare analytical, guidance and training materials to support the work detailed in subparagraphs (a) and (b) above;

(d) To promote understanding and the use of the relevant findings of the Compliance Committee of a systemic nature, multi-stakeholder dialogues and e-justice initiatives, and the dissemination of information on access to review procedures, relevant case law and collections of relevant statistics;

(e) To continue facilitating cooperation and networking among members of the judiciary, judicial institutions and other review bodies of countries from different subregions (e.g., Western, Eastern and South-Eastern Europe, the Caucasus and Central Asia);

15. *Entrusts* the secretariat, subject to the availability of resources, to undertake the following work:

(a) To participate in, plan and implement, as appropriate, capacity-building activities, including workshops and trainings related to access to justice, to be organized in cooperation with relevant partner organizations;

(b) To expand, in cooperation with the Task Force, the web portal for the exchange of jurisprudence concerning the Convention;

(c) To support the networking of the judiciary, judicial institutions and other review bodies under the auspices of the Task Force;

16. *Invites* Parties, signatories, other interested States and international and other organizations to participate in the Convention's activities on access to justice, and to allocate funds for this matter;

17. *Encourages* Parties, signatories, other interested States and partner organizations to facilitate the involvement of representatives of ministries of justice, the judiciary, judicial training institutions, review bodies and other organizations having a strong profile in access to justice issues in relevant activities under the Convention;

18. *Requests* the Working Group to hold a thematic session on promoting the effective public access to justice during one of its meetings in the coming intersessional period, with a view to providing opportunities for Parties, signatories and other stakeholders to exchange experiences on the subjects that deserve particular attention.

Decision VI/4
Promoting the application of the principles of the Convention in international forums

The Meeting of the Parties,

Recalling article 3, paragraph 7, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Recalling also its decisions II/4, III/4, IV/3 and V/4 on promoting the principles of the Convention in international forums, V/5 on the Strategic Plan for 2015–2020 and VI/5 on the Work Programme for 2018–2021,

Noting Human Rights Council resolution 32/31 on civil society space, which emphasizes "the essential role of civil society in subregional, regional and international organizations, including in support of the organizations' work", where that work is relevant to the Convention,

Also noting the reports of the United Nations Special Rapporteur on the rights to freedom of peaceful assembly and of association in relation to the exercise of these rights in the context of multilateral institutions,

Mindful of the importance of increasing understanding of the challenges faced and the good practices employed by international forums with respect to public participation, through further sharing of experience gained under the Convention with international forums,

Welcoming the increasing number of requests from interested international forums seeking expert assistance from the secretariat and Parties on this topic,

Acknowledging the progress made by Parties, international organizations, international financial institutions, non-governmental organizations and other stakeholders in promoting the application of the Convention's principles,

Mindful of major ongoing international processes, including those related to sustainable development, climate change, chemical and waste management, international financial institutions, stakeholder participation and access to information policies of other United Nations agencies and programmes and international trade negotiations;

Recognizing that expert assistance is an important and powerful tool for promoting the principles of the Convention and sharing the considerable experience accumulated under the Aarhus Convention in an efficient and direct manner,

Also recognizing the valuable work that has been done to implement article 3, paragraph 7, of the Convention, while acknowledging the considerable challenges that still need to be addressed to fully implement this provision,

Having reviewed the reports on the thematic sessions on promoting the principles of the Convention in international forums held at the Working Group's nineteenth, twentieth, and twenty-first meetings,[10]

1. *Notes with appreciation* the work undertaken under the auspices of the Working Group of the Parties, which has provided a true multi-stakeholder platform for effectively addressing a number of important issues;

2. *Expresses* its gratitude to France for its ongoing leadership of this work area;

3. *Reiterates* its commitment to continue to apply the Almaty Guidelines on Promoting the Application of the Principles of the Aarhus Convention in International Forums (Almaty Guidelines), adopted through decision II/4, within the activities and subsidiary bodies established under the Convention;

4. *Encourages* each Party to:

(a) Undertake further actions to promote public participation at the national level regarding international environmental decision-making processes and to take appropriate actions within the framework of international organizations in matters relating to the environment, bearing in mind relevant provisions of the Almaty Guidelines;

(b) Interact within and between its ministries to inform officials involved in other relevant international forums about article 3, paragraph 7, of the Convention and the Almaty Guidelines;

(c) Consider innovative ways to improve its own public's access to information and participation in international forums and to share its experience with other Parties;

(d) Consider the relevance of the Convention's principles to ongoing processes under international forums related to the environment in advance of the meetings of these forums and continue, either individually or in collaboration with other Parties, signatories or like-minded Governments, to promote the principles of the Convention in the procedures of other international forums and in the work programmes, projects, decisions, instruments and other substantive outputs of those forums whose practices do not presently reflect the Almaty Guidelines or the principles of the Convention;

(e) Consider providing expert assistance to other interested Parties, signatories or Governments on possible good practices to facilitate more effective public participation in international forums, including when hosting important international events;

(f) Use as a guidance the checklist of measures prepared under the auspices of the Convention when developing action plans to systematically promote the principles of the Convention in all international forums dealing with matters relating to the environment;

5. *Decides* to continue the work on promoting the application of the principles of the Convention in international forums under the authority of the Working Group of the Parties;

[10] See ECE/MP.PP/WG.1/2015/2, ECE/MP.PP/WG.1/2016/2 and ECE/MP.PP/WG.1/2017/2.

6. *Requests* the Working Group:

(a) To convene regularly, on a needs basis, a thematic session on promoting the principles of the Convention in international forums during its meetings, with a view to providing opportunities for Parties, signatories and stakeholders to exchange experiences in the context of promoting the application of the principles of the Convention with respect to those international forums within the definition of paragraph 4 of the Almaty Guidelines identified by Parties or stakeholders to be of particular priority; if it considers that one or more specific issues merit more in-depth consideration, to convene, on an ad hoc basis, a workshop or other event on that theme, and/or mandate a consultant or group of experts to examine the subject and to report on their findings to the Working Group, depending on the availability of resources;

(b) To focus on forums dealing with climate change, chemicals and waste, biosafety, and trade negotiations, recognizing that other forums might be also considered, subject to a decision by Parties;

(c) To continue addressing cross-cutting issues (e.g., innovative practices; different modalities for engaging stakeholders; and self-organization of stakeholders);

(d) To continue monitoring the efforts to promote the principles of the Aarhus Convention with regard to the stakeholder engagement and access to information policies of the United Nations Environment Programme, when implementing the 2030 Agenda for Sustainable Development and in international financial institutions;

7. *Requests* the secretariat:

(a) To oversee the collection and dissemination of good practices and innovative initiatives to promote the principles of the Convention through the Aarhus Good Practice online database;

(b) Subject to availability of resources, to provide upon request expert assistance, including, as appropriate, commenting on draft documents and expert participation at meetings or events organized by international forums, training sessions, workshops, learning centres or other platforms:

(i) To interested international forums seeking to make their processes more transparent and participatory;

(ii) To individual Parties wishing to put in place tools or mechanisms to assist the public to participate more effectively in international forums, including when hosting an important conference of any international forum;

8. *Invites* Parties, signatories, international and other organizations to continue supporting the implementation of article 3, paragraph 7, of the Convention:

(a) At the national level, by supporting the participation of the public before, during and in the follow-up to meetings and events of international forums;

(b) At the international level, by supporting international forums to promote more effective public participation in their projects, processes and policies;

(c) By supporting the activities of the Convention's work programme on this topic, including the secretariat's expert assistance and capacity-building work, in order that it may respond usefully to the expected ongoing demand;

9. *Welcomes* the offer of France to lead the work on promoting the application of the principles of the Convention in international forums.

Decision VI/5
Work programme for 2018–2021

The Meeting of the Parties,

Recalling its decision I/11 on the procedures for the preparation, adoption and monitoring of work programmes,

Taking into account the Strategic Plan for 2015–2020 for the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) adopted through decision V/5, and the scheme of financial arrangements adopted through decision VI/6,

1. *Welcomes* the interest of countries from outside the United Nations Economic Commission for Europe (ECE) region to join the Convention and reaffirms its decision IV/5 on accession to the Convention by non-ECE member States,

2. *Adopts* the work programme for 2018–2021, containing the estimated costs of each activity, as set out in annex I to this decision;

3. *Agrees* upon the indicative allocation of resources and the resulting estimated costs set out in annexes I and II, subject to annual review and, as appropriate, revision by the Working Group of the Parties on the basis of annual reports provided by the secretariat pursuant to decision VI/6 on financial arrangements;

4. *Encourages* Parties to endeavour to ensure that the funding of the activities of the work programme remains stable throughout the period 2018–2021;

5. *Also encourages* Parties, insofar as possible, and subject to the internal budgetary procedures of the Parties, to contribute to the Convention's trust fund for a given calendar year by 1 October of the preceding year, so as to secure staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the work programme for 2018–2021;

6. *Reiterates* its commitment to implementing the Almaty Guidelines on Promoting the Principles of the Convention in International Forums (Almaty Guidelines), through all the activities of the work programme, as relevant;

7. *Decides* to give general priority[11] to issues related to compliance and implementation, including capacity-building;

8. *Also decides* to give particular priority to the following substantive issues:

(a) Access to justice;

(b) Public participation;

(c) Access to information;

[11] The primary function of the prioritization indicated in paragraphs 7 and 8, apart from explaining and reflecting the proposed allocation of resources in the annexes, is to provide guidance in situations in which there is a significant discrepancy between the actual income and the estimated financial requirements. If there is a significant shortfall in resources, then savings need to be made, and the prioritization provides guidance as to where those savings should be made. If there are surplus resources that are not earmarked, then the prioritization provides guidance as to how that surplus may be used. If the resources available closely match the estimated requirements set out in the annexes, the resources can simply be applied as indicated therein, i.e., there is no need for any further exercise of prioritization.

9. *Calls on* the Parties, and invites signatories, other States and relevant intergovernmental, regional and non-governmental organizations, to contribute actively to the activities contained in the work programme;

10. *Requests* the secretariat, taking into consideration the results of the implementation of the Strategic Plan for 2015–2020 and the work programme for 2018–2021, to prepare a draft work programme for the intersessional period following the seventh session of the Meeting of the Parties, including a detailed breakdown of estimated costs, for consideration and further elaboration by the Bureau and the Working Group of the Parties, at the latest three months before the seventh session of the Meeting of the Parties, with a view to possible adoption at that meeting;

11. *Requests* the Bureau, with the assistance of the secretariat, taking into account the results of the implementation of the Strategic Plan for 2015–2020 and the work programme for 2018–2021, to develop a Strategic Plan for 2022–2030, at the latest three months before the seventh session of the Meeting of the Parties, with a view to possible adoption at that meeting.

Annex I
Work programme for 2018–2021

Work area	*Objective and expected outcome*	*Lead country, body or organization*	*Method of work*	*Average annual subtotal (US$)[a]*
Substantive issues				
I. Access to information, including electronic information tools	The work area will be implemented in accordance with decision VI/1 on promoting effective access to information.	Task Force on Access to Information Thematic session at meetings of the Working Group of the Parties Secretariat, enlisting technical support as necessary	Task Force meetings and workshops; survey(s); participation in other relevant regional initiatives, as appropriate, through development of sector-based partnership approaches; pilot projects and capacity-building activities at the subregional and national level, which are expected to be funded by partners. Central management of the Aarhus Clearinghouse and promotion through online social media; provision of advice to and coordination of national and information nodes of the clearinghouse mechanism; information sharing and promotion of electronic tools through maintaining online databases for jurisprudence and national implementation reports, and maintaining online case studies on (a) public participation at the national level and (b) public participation in international forums.	86 400
II. Public participation	The work area will be implemented in accordance with decision VI/2 on promoting effective public participation in decision-making.	Task Force on Public Participation in Decision-making Thematic session at meetings of the Working Group of the Parties Secretariat, enlisting expert support as necessary	Task Force meetings; workshops; collection of case studies; exploring synergies and possibilities for cooperation with relevant bodies under other multilateral environmental agreements and partner organizations. Participation in other relevant regional initiatives as appropriate; pilot projects and capacity-building activities at the subregional and national levels, which are expected to be funded by partners.	91 400

Work area	*Objective and expected outcome*	*Lead country, body or organization*	*Method of work*	*Average annual subtotal (US$)[a]*
III. Access to justice	The work area will be implemented in accordance with decision VI/3 on promoting effective access to justice.	Task Force on Access to Justice Thematic session at meetings of the Working Group of the Parties Secretariat, enlisting expert support as necessary	Task Force meetings, if feasible back to back with other relevant capacity-building events, to be organized in liaison with partner organizations active in access to justice, and through the development of sector-based partnership approaches, where appropriate. Strengthen cooperation with existing networks of judges and other legal professionals, and other international forums, to exchange information and support capacity-building. Develop analytical and training materials. Pilot projects and capacity-building activities at the subregional and national levels, which are expected to be funded by partners.	117 600
IV. Genetically modified organisms (GMOs)	Support the implementation of decision II/1 on GMOs (GMO amendment) and relevant provisions of the Convention in this area, as well as the application of the Guidelines on Access to Information, Public Participation and Access to Justice with Respect to Genetically Modified Organisms (MP.PP/2003/3), inter alia, by promoting exchange of information on common difficulties in and the main obstacles to their implementation, as well as good practices to address them.	Secretariat, in close cooperation with other stakeholders Thematic session at meetings of the Working Group of the Parties	Workshop(s); survey(s); advisory support to, and cooperation with, relevant bodies under the Cartagena Protocol on Biosafety to the Convention on Biological Diversity; advisory support to countries upon request; and use of the Aarhus Clearinghouse and Aarhus Good Practice database to facilitate exchange of information on good practices.	26 500

Work area	*Objective and expected outcome*	*Lead country, body or organization*	*Method of work*	*Average annual subtotal (US$)*[a]
Procedures and mechanisms				
V. Compliance mechanism	Monitor and facilitate the implementation of and compliance with the Convention. Increase support to individual Parties in following up on decisions on compliance.	Compliance Committee Secretariat	Compliance Committee to review submissions, referrals, requests and communications on cases of possible non-compliance, prepare decisions and reports and undertake fact-finding missions. Compliance Committee to explore possible synergies with other relevant forums. Secretariat to publicize the mechanism, manage the Committee's web page and develop a database of the Compliance Committee's findings. Secretariat to prepare background material on relevant issues of a systemic nature identified through the work of the Compliance Committee for discussion at the meetings of the task forces and respective thematic sessions of the Working Group of the Parties.	342 600
VI. Capacity-building	Coordination of capacity-building activities to assist countries in the effective implementation of the Convention; implementation of capacity-building measures at the regional and subregional levels.	Secretariat, in close cooperation with other relevant stakeholders	Inter-agency coordination meetings; maintaining the Convention's web pages with information on capacity-building activities; use of the Aarhus Clearinghouse and the Aarhus Good Practice database to facilitate exchange of information on good practices; training workshops and technical assistance, mostly separately funded under other substantive work areas; capacity-building activities at the national and subregional levels, which are expected to be funded by partners.	52 000
VII. Reporting mechanism	Production of national implementation reports and a synthesis report.	Secretariat, enlisting expert and administrative support as necessary Compliance Committee	Preparation and processing of national implementation reports. Analysis of reports and preparation of a synthesis report. Use of national implementation reports to identify relevant topics for the work of the task forces and other activities.	7 500

Work area	*Objective and expected outcome*	*Lead country, body or organization*	*Method of work*	*Average annual subtotal (US$)**
Awareness-raising and promotion				
VIII. Awareness-raising and promotion of the Convention, including through: VIII.1. Communication Strategy VIII.2. Promotion of the principles of the Convention in international forums VIII.3. Support to non-ECE States to accede to the Convention VIII.4. Support to regional and global initiatives on Principle 10 of the Rio Declaration	The work will focus on: (a) Raising public awareness of the Convention throughout the ECE region and beyond; (b) Increasing the number of Parties to the Convention; (c) Supporting regional and global initiatives on Principle 10 of the Rio Declaration on Environment and Development. Activities should be carried out in synergy with the relevant activities of the work programme of the Protocol on Pollutant Release and Transfer Registers. Work area VIII.2 will be implemented in accordance with decision VI/4 on promoting the application of the principles of the Convention in international forums.	Secretariat Bureau of the Meeting of the Parties Working Group of the Parties	Participation in key regional and international events and processes; use of bilateral, regional and international cooperation arrangements to raise interest in the Convention, e.g., the European Neighbourhood Policy; feed into international processes that closely relate to the Convention, including the special procedures under the United Nations Human Rights Council (depending on the mandate), the United Nations Environment Programme, the international financial institutions and other relevant international forums. Expert assistance to regional and global initiatives on Principle 10 of the Rio Declaration; support to relevant events organized by others; missions and assistance to countries organized at the request of host Governments, with a focus on States that have expressed formal interest in becoming Parties to the Convention. Implementation of the Communication Strategy; website management; preparation of leaflets, publications, news bulletins, articles and other information materials.	81 500
IX. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	The work area will be implemented in accordance with decision VI/4 on promoting the application of the principles of the Convention in international forums.	Secretariat Bureau of the Meeting of the Parties Working Group of the Parties	Thematic sessions, as needed, at meetings of the Working Group of the Parties to oversee progress in promoting the application of the principles of the Convention in international forums and to address challenges encountered in the implementation of article 3, paragraph 7, of the Convention. Surveys regarding experiences gained in the implementation of article 3, paragraph 7, and the Almaty Guidelines; online networks; expert assistance to relevant international forums and to Parties upon request and populating a repository of good practices on establishing effective processes for the public to participate in international forums;	65 900

Work area	*Objective and expected outcome*	*Lead country, body or organization*	*Method of work*	*Average annual subtotal (US$)*[a]
			joint activities with other treaties and multilateral processes; concrete actions by Parties at the national and international levels to promote the principles of the Convention in international forums and the Almaty Guidelines.	
Coordination, horizontal support and Meeting of the Parties				
X. Coordination and oversight of intersessional activities	Coordination and oversight of the activities under the Convention. Preparation of substantive documents for the seventh session of the Meeting of the Parties (e.g., drafting decisions, including the future work programme, and reviewing the implementation of the current work programme and the Strategic Plan).	Working Group of the Parties Bureau of the Meeting of the Parties	Working Group meetings, meetings of the Bureau and consultations among Bureau members electronically.	100 700
XI. Seventh ordinary session of the Meeting of the Parties	See article 10 of the Convention.	Meeting of the Parties	Session of the Meeting of the Parties.	15 000[b]
XII. Horizontal support areas	Overall support that covers multiple substantive areas of the work programme.	Secretariat	Secretarial support, staff training, equipment.	77 200
Grand total (including costs for all work areas and 13% programme support costs)				**1 201 303**

[a] Estimation of the cost includes operational and other costs as presented in annex II.

[b] Costs for travel and DSA for eligible participants are reported under work area X.

Annex II

Estimated costs of activities of the work areas listed in the work programme for 2018–2021

		Average estimated costs in United States dollars per year[a]									
		2018		*2019*		*2020*		*2021*		*2018–2021 annual average*	
Work area	*Cost description*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*
I. Access to information[b]	Professional staff support,[c] one P–3 staff at 30 per cent of full-time equivalent (FTE)	54 000	—	54 000	—	54 000	—	54 000	—	54 000[e]	—
	Consultancy (e.g., maintenance of Aarhus Clearinghouse and Aarhus Good Practice database)	2 000	3 000	2 000	3 000	2 000	3 000	2 000	3 000	2 000	3 000
	Travel, daily subsistence allowance (DSA) of eligible participants (2 meetings)	—	—	40 800	—	40 800	—	—	—	20 400	—
	Travel, DSA (staff missions)[d]	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500
Subtotal		**59 500**	**6 500**	**100 300**	**6 500**	**100 300**	**6 500**	**59 500**	**6 500**	**79 900**	**6 500**
II. Public participation	Professional staff support,[c] one P–3 staff at 30 per cent of FTE	54 000	—	54 000	—	54 000	—	54 000	—	54 000	—
	Consultancy (e.g., preparation of the required materials)	5 000	5 000	5 000	5 000	5 000	5 000	5 000	5 000	5 000	5 000
	Travel, DSA of eligible participants (2 meetings)	40 800	—	—	—	40 800	—	—	—	20 400	—
	Travel, DSA (staff missions)[d]	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500
Subtotal		**103 300**	**8 500**	**62 500**	**8 500**	**103 300**	**8 500**	**62 500**	**8 500**	**82 900**	**8 500**
III. Access to justice	Professional staff support,[c] one P–3 staff at 35 per cent of FTE	63 000	—	63 000	—	63 000	—	63 000	—	63 000	—
	Consultancy (e.g., preparation of the required materials)	10 000	7 000	10 000	7 000	10 000	7 000	10 000	7 000	10 000	7 000
	Travel, DSA of eligible participants (3 meetings)	40 800	—	40 800	—		—	*40 800*	—	30 600	—

		Average estimated costs in United States dollars per year[a]									
		2018		*2019*		*2020*		*2021*		*2018–2021 annual average*	
Work area	*Cost description*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*
	Travel, DSA (staff missions)[d]	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500	3 500
Subtotal		**117 300**	**10 500**	**117 300**	**10 500**	**76 500**	**10 500**	**117 300**	**10 500**	**107 100**	**10 500**
IV. GMOs	Professional staff support,[c] one P–3 staff at 5 per cent of FTE	9 000	—	9 000	—	9 000	—	9 000	—	9 000	—
	Consultancy (e.g., preparation of the required material)	2 000	2 000	2 000	2 000	2 000	2 000	2 000	2 000	2 000	2 000
	Travel, DSA of eligible participants to event (e.g., workshop, round table)	—	—	40 000	—		—	—	—	10 000	—
	Travel, DSA (staff missions)[d]	3 500	—	3 500	—	3 500	—	3 500	—	3 500	—
Subtotal		**14 500**	**2 000**	**54 500**	**2 000**	**14 500**	**2 000**	**14 500**	**2 000**	**24 500**	**2 000**
V. Compliance mechanism	Professional staff support,[c] two P-3 staff: one at 80 per cent and one at 40 per cent of FTE	216 000	—	216 000	—	216 000	—	216 000	—	216 000	—
	Consultancy (e.g., translation outside United Nations, preparation of the required material)	25 000	—	25 000	—	25 000	—	25 000	—	25 000	—
	Travel, DSA of Committee members, other participants (4 Compliance Committee meetings per year)	91 800	—	91 800	—	91 800	—	91 800	—	91 800	—
	Travel, DSA (staff missions)[e]	9 800	—	9 800	—	9 800	—	9 800	—	9 800	—
Subtotal		**342 600**	—	**342 600**	—	**342 600**	—	**342 600**	—	**342 600**	—
VI. Capacity-building[f]	Professional staff support,[c] one P–3 staff at 15 per cent of FTE	27 000	—	27 000	—	27 000	—	27 000	—	27 000	—
	Consultancy (e.g., capacity-building activities, materials, studies)	2 000	5 000	2 000	5 000	2 000	5 000	2 000	5 000	2 000	5 000

		Average estimated costs in United States dollars per year[a]									
		2018		*2019*		*2020*		*2021*		*2018–2021 annual average*	
Work area	*Cost description*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*
	Travel, DSA of eligible experts (e.g., annual meeting of capacity-building partners, capacity-building activities)	3 000	3 800	3 000	3 800	3 000	3 800	3 000	3 800	3 000	3 800
	Travel, DSA (staff missions)[d]	3 000	8 200	3 000	8 200	3 000	8 200	3 000	8 200	3 000	8 200
Subtotal		**35 000**	**17 000**	**35 000**	**17 000**	**35 000**	**17 000**	**35 000**	**17 000**	**35 000**	**17 000**
VII. Reporting mechanism	Consultancy (processing of national implementation reports, preparation of the synthesis report, translation)	—	—	—	—	10 000	—	20 000	—	7 500	—
Subtotal		—	—	—	—	**10 000**	—	**20 000**	—	**7 500**	—
VIII. Awareness-raising and promotion of the Convention[e]	Professional staff support,[c] three P–3 staff at 5 per cent each of FTE	27 000	—	27 000	—	27 000	—	27 000	—	27 000	—
	Consultancy (e.g., publications, promotion materials)	5 000	9 000	5 000	9 000	5 000	9 000	5 000	9 000	5 000	9 000
	Travel, DSA for participation in events and country missions to promote the Convention and its principles, support to non-ECE States to accede to the Convention, support to regional and global initiatives on Principle 10 of the Rio Declaration on Environment and Development	5 000	18 000	5 000	18 000	5 000	18 000	5 000	18 000	5 000	18 000
	Travel, DSA (staff missions),[d] participation at relevant events where no other funding is available	10 000	7 500	10 000	7 500	10 000	7 500	10 000	7 500	10 000	7 500
Subtotal		**47 000**	**34 500**	**47 000**	**34 500**	**47 000**	**34 500**	**47 000**	**34 500**	**47 000**	**34 500**

		Average estimated costs in United States dollars per year[a]									
		2018		*2019*		*2020*		*2021*		*2018–2021 annual average*	
Work area	*Cost description*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*
IX. Promotion of the Almaty Guidelines and other interlinkages with relevant international bodies and processes	Professional staff support,[c] three P–3 staff, one at 15 per cent, one at 10 per cent and one at 5 per cent of FTE	54 000	—	54 000	—	54 000	—	54 000	—	54 000	—
	Consultancy (expert studies)	2 000	3 000	2 000	3 000	2 000	3 000	2 000	3 000	2 000	3 000
	Travel, DSA (expert missions)	3 400	—	3 400	—	3 400	—	3 400	—	3 400	—
	Travel, DSA (staff missions)[d]	3 500	—	3 500	—	3 500	—	3 500	—	3 500	—
Subtotal		**62 900**	**3 000**	**62 900**	**3 000**	**62 900**	**3 000**	**62 900**	**3 000**	**62 900**	**3 000**
X. Coordination and oversight of intersessional activities, including seventh ordinary session of the Meeting of the Parties	Professional staff support,[e] three P–3 staff, one at 10 per cent and two at 5 per cent each of FTE	36 000	—	36 000	—	36 000	—	36 000	—	36 000	—
	Travel, DSA for eligible participants (meetings of the Working Group of the Parties, the Bureau and the seventh session of the Meeting of the Parties)	47 600	—	47 600	—	47 600	—	102 000	—	61 200	—
	Travel, DSA (staff missions)[d]	3 500	—	3 500	—	3 500	—	3 500	—	3 500	—
Subtotal		**87 100**	—	**87 100**	—	**87 100**	—	**141 500**	—	**100 700**	—
XI. Seventh ordinary session of the Meeting of the Parties	Professional staff support,[c] one P–2 staff for 6 months	—	—	—	—	—	—	60 000	—	15 000[f]	—
Subtotal		—	—	—	—	—	—	**60 000**	—	**15 000**	—
XII. Horizontal support areas	Secretarial staff support, one G–4 staff at 70 per cent of full-time equivalent	67 200	—	67 200	—	67 200	—	67 200	—	67 200	—

		Average estimated costs in United States dollars per year[a]									
		2018		*2019*		*2020*		*2021*		*2018–2021 annual average*	
Work area	*Cost description*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*	*Operational*	*Other*
	Technical support costs[d] (e.g., computers, equipment, external printing)	6 000	—	6 000	—	6 000	—	6 000	—	6 000	—
	Training of staff[f] (training activities to enhance staff skills)	4 000	—	4 000	—	4 000	—	4 000	—	4 000	—
Subtotal		**77 200**	—	**77 200**	—	**77 200**	—	**77 200**	—	**77 200**	—
Total		**946 400**	**82 000**	**986 400**	**82 000**	**956 400**	**82 222**	**999 200**	**82 000**	**981 100**	**82 000**
Programme support costs (13%)		123 032	10 660	128 232	10 660	124 332	10 660	129 896	10 660	127 543	10 660
Grand total		**1 069 432**	**92 660**	**1 114 632**	**92 660**	**1 080 732**	**92 660**	**1 129 096**	**92 660**	**1 108 643**	**92 660**

[a] The estimated costs shown here are limited to those intended to be covered by voluntary contributions made under the Convention's scheme of financial arrangements, either through its trust fund or in kind. They do not include costs that are expected to be covered by the United Nations regular budget or other sources. Figures are rounded up. They may change in accordance with the United Nations administrative regulations.

[b] Experts involved in the work of the task forces on access to information, public participation in decision-making and access to justice will be invited to provide substantive support to the activities through commenting documents and participating in training sessions, workshops, pilot projects, etc. Meetings of the Task Force will provide a forum to discuss key outcomes of the activities and identify good practices and challenges in implementation.

[c] Professional staff costs are estimated by multiplying expected staff time in each activity area by the projected annual salary costs of staff hired at the level indicated. Staff costs are considered to be operational as they are essential for ensuring effective and balanced implementation of all work areas. In addition, the necessary funds for staff contracts must be secured at least one year in advance.

[d] Operational costs for staff missions refer to the cost of travel for secretariat staff members to service, e.g., task force meetings that are not held in Geneva and workshops/events related to this work area.

[e] The secretariat may be required to conduct official missions in relation to the work of the compliance mechanism. Such costs are therefore considered to be operational.

[f] The category of [illegible] encompasses activities that build capacity in areas that relate to the Convention as a whole. Capacity-building activities relating to a specific issue (e.g., electronic information tools, awareness-raising) are covered under those activity areas. In order to increase the effectiveness of capacity-building and synergies, the secretariat is carrying out such activities in collaboration with [illegible]. Furthermore, the secretariat services a region-wide capacity-building coordination mechanism aimed at ensuring that the projects implemented by partner organizations meet the requirements or decisions by the Meeting of the Parties. Most travel and consultancy costs are normally covered by other sources, either by partner organizations or specific donor contributions. These synergies also lead to a considerable reduction of the financial burden as Parties to the Convention are required to contribute a small amount in relation to the final impact of activities.

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[g] Awareness-raising will include promotional work in the region and beyond. Such work serves as the Parties' "ambassador". The secretariat and Aarhus experts are regularly invited to international meetings and processes across the world to share their experiences and expertise. Where possible, the promotion of the Convention is carried out through the use of electronic tools. The secretariat is making every possible effort to ensure that these activities have the minimum financial implications possible. In addition, in line with past practice, it is anticipated that some publications will be funded from the United Nations regular budget.

[h] Including provision of legal advice and general tasks. Professional staff costs are estimated by multiplying expected staff time in each activity area by the projected annual salary costs of staff hired at the level indicated. Staff costs are considered to be operational as they are essential for ensuring effective and balanced implementation of all work areas. In addition, the necessary funds for staff contracts must be secured at least one year in advance.

[i] Costs for travel and DSA for eligible participants are reported under work area X.

[j] As of 1 February 2016, the funding of one administrative staff member through the 13 per cent programme support costs, levied from the trust funds of the ECE Environment Division, was discontinued. This staff member is required in order to provide the necessary administrative support to activities under the Aarhus Convention and its Protocol, including administrative arrangements for the meetings of the governing and subsidiary bodies of the two treaties. The staff costs would be split between the Convention and its Protocol (70 per cent for the Aarhus Convention and 30 per cent for the Protocol).

[k] Technical equipment is normally provided by the United Nations also to extrabudgetary staff. However, if this practice is discontinued, the related expenditures should be included in the operational costs of the work programme.

[l] All United Nations staff are expected to develop their skills and attend training. Continuous training and development of new skills is essential in order for the staff to maintain a high level of professionalism and to adapt to new competency requirements. As a result, training of staff is considered to be operational costs.

Annex III

Example of the possible distribution of different meetings under the Convention for the period 2018–2021

Type of meeting	*2018*	*2019*	*2020*	*2021*
Task Force Access to Information (AI)	—	x	x	—
Task Force on Public Participation in Decision-making (PP)	x	—	x	—
Task Force on Access to Justice (AJ)	x	x	-	X
GMO Round Table (GMO)	—	x	—	—
Thematic sessions at the Working Group of the Parties	AI	PP	AJ	GMO
Meeting of the Parties	—	—	—	X

Note: The substantive preparation of the thematic sessions of the Working Group of the Parties is based on the outcomes of the work of a specific Task Force and other activities in the relevant work areas.

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Decision VI/6
Financial arrangements under the Convention

The Meeting of the Parties,

Recalling article 10, paragraph 3, of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention), which states that the Meeting of the Parties to the Convention may, as necessary, consider establishing financial arrangements on a consensus basis,

Also recalling its decisions I/13, II/6, III/7, IV/7 and V/7, through which an interim voluntary scheme of contributions, open to contributions from Parties, signatories and other States having opted to participate in it, has been established and maintained,

Having considered the outcomes of the assessment of the current interim scheme of contributions,[12] and recalling discussions and decisions at each previous session of the Meeting of the Parties on financial arrangements under the Convention,

Recognizing the need to:

(a) Ensure that sufficient resources are available to implement the Convention's work programme for 2018–2021, adopted through decision VI/5;

(b) Ensure a scheme of financial contributions that is transparent and accessible to all Parties, signatories and other States and organizations wishing to contribute;

(c) Establish financial arrangements under the Convention based on the principles of an equitable sharing of the burden, stable and predictable sources of funding, accountability and sound financial management,

Expressing its serious concern that the financial burden has not been evenly distributed during the current intersessional period, with several Parties and signatories not contributing at all,

Believing that alternative options to the financial arrangements in place under the Convention should be considered by the Meeting of the Parties at its next session to ensure that the arrangements meet the goals of stability, predictability and an equitable sharing of the burden,

1. *Agrees* to continue to use the existing interim scheme of contributions aimed at covering the costs of activities under the work programme that are not covered by the United Nations regular budget, based on the following principles:

(a) The Parties should collectively ensure that the costs of the activities of the work programme that are not covered by the United Nations regular budget are covered through the financial scheme;

(b) No Party or signatory is expected to contribute less than 500 United States dollars for the Convention's work programme in its contribution for a given calendar year;

(c) Contributions shall be made in cash and shall not be earmarked for a particular activity;

(d) Additional contributions may be made in cash or in kind and may be earmarked for a particular activity;

[12] ECE/MP.PP/WG.1/2013/9.

(e) Contributions in cash shall be made through the United Nations Economic Commission for Europe trust fund for local technical cooperation (Aarhus Convention project);

(f) If allowed by the domestic budgetary procedures of the Parties, contributions for a given calendar year should be made by 1 October of the preceding year, or where this is not an option, it is recommended that contributions are made in the first six months of the calendar year, so as to secure payment of staff costs for the smooth functioning of the secretariat, as a priority, and the timely and effective implementation of the priority activities of the respective programme of work;

(g) Parties pledge, where possible, prior to the adoption of a work programme by the Meeting of the Parties, their expected annual or multi-annual financial and in-kind contributions. Signatories, other interested States and organizations may wish to indicate their expected contributions as well;

2. *Requests* Parties to contribute each year or to make multi-annual contributions towards the costs of activities under the work programme, in accordance with the scheme referred to in paragraph 1;

3. *Invites* signatories, other interested States and public entities, as well as the private sector, in accordance with the 2009 Revised Guidelines on Cooperation between the United Nations and the Business Sector,[13] to contribute, in cash or in kind, towards covering the costs of the work programme;

4. *Calls upon* countries with economies in transition to finance to the extent possible their own participation in the activities;

5. *Calls upon* international organizations working in countries with economies in transition to support participation of representatives of these countries and non-governmental organizations in the meetings and other activities;

6. *Encourages* Parties that have historically contributed generously to maintain, or return to, their previous levels of contribution;

7. *Requests* all Parties to ensure the equitable distribution of the financial responsibility for implementation of the work programme, and requests the Bureau to liaise with Parties where appropriate concerning the achievement of this goal;

8. *Requests* the secretariat, in accordance with the financial rules of the United Nations, to allocate in the Convention trust fund by 1 October of each year the sum required for the extension of the contracts of extrabudgetary staff of the secretariat for the upcoming year, as a priority, and also costs needed for implementation of activities in the first quarter of the upcoming year;

9. *Also requests* the secretariat, in accordance with the financial rules of the United Nations, to monitor the expenditure of the funds and to prepare annual reports specifically indicating contributions, and reflecting any changes to:

(a) The estimated costs of activities for the next calendar year;

(b) The composition of the Parties, for review by the Working Group of the Parties in order to strive to ensure that the level of contributions matches the level of funding needed for the implementation of the work programme;

[13] Issued by the Secretary-General in November 2009. Available from http://business.un.org/en/documents/6602.

10. *Requests* the Bureau, with the assistance of the secretariat, to provide an estimation of the operational costs needed for the effective functioning of the Convention, which should be clearly distinct from the cost of other activities which are subject to the availability of resources;

11. *Requests* the Working Group of the Parties to consider, in the light of these annual reports, whether changes would be required in the content or time frame of the work programme, in the event that the level of actual and/or pledged contributions does not match the level of funding needed;

12. *Requests* the secretariat to prepare a comprehensive report on financial matters for each session of the Meeting of the Parties, including information on how much Parties and other participating States and organizations have contributed to the budget of the Convention in cash and in kind, and how the contributions were spent;

13. *Agrees* to review the operation of the scheme of financial arrangements at its seventh session;

14. *Mandates* the Bureau and the Working Group of the Parties to explore in the next intersessional period options for more predictable, stable and equitably shared funding, and requests them to make the appropriate proposals for consideration by the Meeting of the Parties at its seventh session;

15. *Requests* the United Nations Economic Commission for Europe to allocate more resources to support the work under the Convention, noting in this connection the positive evaluation of the Environmental subprogramme during the 2013 review of the 2005 reform of the Commission,[14] and considering, inter alia, the balance in the use of regular budgetary resources in the different subprogrammes.

Decision VI/7
Reporting requirements

The Meeting of the Parties,

Recalling its decisions I/8, II/10, III/5, IV/4 and V/8 on reporting requirements,

Recalling also the mandate of the Compliance Committee set out in paragraph 13 (c) of the annex to decision I/7 on the review of compliance,

Having considered the reports submitted by Parties and the synthesis report[15] prepared by the secretariat pursuant to paragraphs 1 to 5 of decision I/8,

Having also considered the reports of the Compliance Committee[16] and its supplementary reports,[17]

Acknowledging the usefulness of national implementation reports, as valuable input to the work of task forces, capacity-building activities, environmental performance reviews and other review programmes,

Considering that the reporting procedure as set out in decisions I/8, II/10 and IV/4, including the revised reporting format as set out in the annex to decision IV/4 and the

[14] See *Official Records of the Economic and Social Council, 2013, Supplement No. 17* (E/2013/37-E/ECE/1464), annex III, chapter II.A, available from http://www.unece.org/index.php?id=31965#/.

[15] ECE/MP.PP/2017/6.

[16] ECE/MP.PP/2017/31 and ECE/MP.PP/2017/32

[17] ECE/MP.PP/2017/33 to ECE/MP.PP/2017/46.

procedure regarding translation of the reports as set out in paragraphs 14 to 16 of decision IV/4, should continue to apply for the next reporting cycle,

1. *Notes with appreciation* the implementation reports submitted by three quarters of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters pursuant to paragraphs 1 to 4 of decision I/8;

2. *Welcomes* the synthesis report prepared by the secretariat pursuant to paragraph 5 of decision I/8;

3. *Also welcomes* the reports submitted by non-governmental organizations pursuant to paragraph 7 of decision I/8;

4. *Considers* that these reports provide a valuable overview of the status of implementation of the Convention, as well as help to identify significant trends in and challenges to implementation, which will help to guide future activities;

Timely submission of reports

5. *Notes with concern* that 10 Parties that submitted reports did not do so within the deadline indicated in decision II/10;

6. *Reiterates its encouragement* of Parties to start the preparation of national implementation reports in future reporting cycles sufficiently in advance of, and at the latest six months before, the deadline for submission of the reports to the secretariat set out in decision II/10, with a view to ensuring meaningful public consultation on the reports at the national level;

Failure to submit reports

7. *Notes with regret* that Armenia, Bosnia and Herzegovina, the Netherlands, the Republic of Moldova, the former Yugoslav Republic of Macedonia, Ukraine and the United Kingdom of Great Britain and Northern Ireland, all of which were Parties to the Convention at the time of the deadline for submission of the implementation reports, failed to submit reports for the current reporting cycle;

8. *Calls upon* each of those Parties to submit its national implementation report to the secretariat by 1 November 2017, for subsequent consideration, inter alia, by the Compliance Committee;

Public consultation

9. *Welcomes* the fact that most Parties prepared their reports through a process involving consultations with various governmental agencies as well as civil society;

10. *Encourages* Parties to ensure transparency and public consultation during the process of the preparation and submission of the reports;

Preparation of reports for the next session of the Meeting of the Parties

11. *Decides* to discontinue submission of hard copies of the reports to the secretariat;

12. *Requests* the secretariat to circulate to all Parties and relevant stakeholders a formal reminder of the reporting requirements, including guidance on the preparation of the reports, as well as the proposed timing and confirmation of the date for the submission of the reports to the secretariat in accordance with decision II/10, paragraph 9, at least one year in advance of the next session of the Meeting of the Parties.

Decision VI/8
General issues of compliance

The Meeting of the Parties,

Having regard to its decision I/7 on the review of compliance, and in particular to paragraph 37 of the annex thereto,

Having regard also to decision V/9 on general issues of compliance and decisions V/9a, V/9b, V/9c, V/9d, V/9e, V/9f, V/9g, V/9h, V/9i, V/9j, V/9k, V/9l, V/9m and V/9n on compliance by individual Parties with their obligations under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention),

Noting with appreciation the reports by the Committee to the sixth session of the Meeting of the Parties and taking note of the Committee's reports on its meetings during the intersessional period,

Noting with appreciation also the findings and recommendations adopted by the Committee during the intersessional period;

Recalling decisions VI/8a, VI/8b, VI/8c, VI/8d, VI/8e, VI/8g, VI/8h, VI/8i, VI/8j and VI/8k, concerning compliance by Armenia, Austria, Belarus, Bulgaria, Czechia, Kazakhstan, Romania, Slovakia, Spain and the United Kingdom of Great Britain and Northern Ireland, adopted in parallel with this decision,

1. *Welcomes* the reports of the Aarhus Convention Compliance Committee to the Meeting of the Parties at its sixth session on procedural matters and general issues of compliance;[18]

2. *Also welcomes* the way in which the Committee has been working and the further clarification of its procedures developed in the period 2014–2017 within the framework of decision I/7, as reflected in the reports of its meetings;

3. *Urges* those Parties found to be in non-compliance to take measures to bring their legislation or practice into compliance with the Convention as soon as possible once specific problems with compliance have been identified, with a view to already bringing about full compliance with the relevant provisions in the intersessional period, where possible and where the Party concerned has agreed that the Committee may make recommendations to them directly;

4. *Appreciates* that recommendations, advice and expert assistance from the Committee to the Parties concerned in the intersessional period represents an effective means to facilitate Parties' compliance;

5. *Urges* each Party to cooperate in a constructive manner with the Committee in connection with any review of its compliance;

Findings and recommendations on compliance in the period 2014–2017 and cooperation by the Parties

6. *Welcomes* the constructive approach and cooperation demonstrated by Belarus, Belgium, Bulgaria, Czechia, the European Union, Germany, Kazakhstan, Norway, Romania, Spain, Slovakia, Sweden, the former Yugoslav Republic of Macedonia and the United Kingdom, whose compliance was the subject of review in the intersessional period 2014–2017;

[18] ECE/MP.PP/2017/31 and ECE/MP.PP/2017/32.

7. *Also welcomes* the consideration and evaluation by the Committee with respect to the specific cases of alleged non-compliance set out in the findings and recommendations adopted by the Committee during the intersessional period;[19]

8. *Endorses* the main findings with regard to compliance contained in the findings and recommendations adopted by the Committee during the intersessional period;[20]

9. *Notes* the Committee's conclusions in its findings on communication ACCC/C/2014/111[21] that Belgium had not failed to comply with the provisions of the Convention in that case; its findings on communications ACCC/C/2014/101[22] and ACCC/C/2014/123[23] that the European Union had not failed to comply with the provisions of the Convention in those cases; its findings on communication ACCC/C/2013/92[24] that Germany had not failed to comply with the provisions of the Convention in that case; and its findings on communication ACCC/C/2013/81[25] that Sweden had not failed to comply with the provisions of the Convention in that case;

10. *Notes also* the conclusions of the Committee in its finding on request from the Meeting of the Parties ACCC/M/2014/1[26] that the former Yugoslav Republic of Macedonia had failed to comply with article 10, paragraph 2, of the Convention but that, since the Party concerned had subsequently provided its national implementation reports for the third and fourth cycle, it was no longer in non-compliance and that the Committee refrained from making recommendations in that case;

11. *Further notes* the conclusions of the Committee in its findings on communication ACCC/C/2013/93[27] that Norway had failed to comply with article 9, paragraphs 1 and 4, of the Convention but that, taking into consideration that no evidence had been presented to substantiate that the non-compliance was owing to a systemic error, the Committee refrained from making recommendations in that case;

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[19] ECE/MP.PP/C.1/2015/3 (United Kingdom), ECE/MP.PP/C.1/2015/10 (Romania), ECE/MP.PP/C.1/2016/3 (Bulgaria), ECE/MP.PP/C.1/2016/10 (United Kingdom), ECE/MP.PP/C.1/2017/3 (Czechia), ECE/MP.PP/C.1/2017/4 (Sweden), ECE/MP.PP/C.1/2017/7 (European Union), ECE/MP.PP/C.1/2017/8 (the former Yugoslav Republic of Macedonia), ECE/MP.PP/C.1/2017/12 (Kazakhstan), ECE/MP.PP/C.1/2017/13 (Slovakia), ECE/MP.PP/C.1/2017/14 (United Kingdom), ECE/MP.PP/C.1/2017/15 (Germany), ECE/MP.PP/C.1/2017/16 (Norway), ECE/MP.PP/C.1/2017/17 (Spain), ECE/MP.PP/C.1/2017/18 (European Union), ECE/MP.PP/C.1/2017/19 (Belarus), ECE/MP.PP/C.1/2017/20 (Belgium) and ECE/MP.PP/C.1/2017/21 (European Union).

[20] ECE/MP.PP/C.1/2015/3 (United Kingdom), ECE/MP.PP/C.1/2015/10 (Romania), ECE/MP.PP/C.1/2016/3 (Bulgaria), ECE/MP.PP/C.1/2016/10 (United Kingdom), ECE/MP.PP/C.1/2017/3 (Czechia), ECE/MP.PP/C.1/2017/4 (Sweden), ECE/MP.PP/C.1/2017/8 (the former Yugoslav Republic of Macedonia), ECE/MP.PP/C.1/2017/12 (Kazakhstan), ECE/MP.PP/C.1/2017/13 (Slovakia), ECE/MP.PP/C.1/2017/14 (United Kingdom), ECE/MP.PP/C.1/2017/15 (Germany), ECE/MP.PP/C.1/2017/16 (Norway), ECE/MP.PP/C.1/2017/17 (Spain), ECE/MP.PP/C.1/2017/18 (European Union), ECE/MP.PP/C.1/2017/19 (Belarus), ECE/MP.PP/C.1/2017/20 (Belgium) and ECE/MP.PP/C.1/2017/21 (European Union).

[21] ECE/MP.PP/C.1/2017/20.

[22] ECE/MP.PP/C.1/2017/18.

[23] ECE/MP.PP/C.1/2017/21.

[24] ECE/MP.PP/C.1/2017/15.

[25] ECE/MP.PP/C.1/2017/4.

[26] ECE/MP.PP/C.1/2017/8.

[27] ECE/MP.PP/C.1/2017/16.

12. *Welcomes* the recommendations made by the Committee during the intersessional period 2014–2017 with regard to compliance by individual Parties, in accordance with paragraph 36 (b) of the annex to decision I/7, and the acceptance by most of the Parties found not to be in compliance of the Committee making such recommendations to them;

Recommendations on requests for advice or assistance

13. *Also welcomes* the recommendations by the Committee during the intersessional period 2014–2017 with regard to request ACCC/A/2014/1[28] by Belarus for advice and assistance, in accordance with paragraphs 13 (b) and 14 of the annex to decision I/7 and paragraph 53 of the report of the fifth session of the Meeting of the Parties;[29]

Implementation of decisions on compliance by individual Parties

14. *Takes note* of the reports of the Committee on the implementation of decisions V/9a,[30] V/9b,[31] V/9c,[32] V/9d,[33] V/9e,[34] V/9f,[35] V/9g,[36] V/9h,[37] V/9i,[38] V/9j,[39] V/9k,[40] V/9l,[41] V/9m,[42] and V/9n;[43]

15. *Welcomes* the committed action of Croatia, Germany and Ukraine to fully address the recommendations made by the Meeting of the Parties through decisions V/9e, V/9h and V/9m, respectively, and to bring their legislation and practice into compliance with the Convention;

16. *Also welcomes* the constructive efforts made by Armenia, Austria, Belarus, Czechia, the European Union, Kazakhstan, Romania, Spain and the United Kingdom to address the recommendations made by the Meeting of the Parties through decisions V/9a, V/9b, V/9c, V/9f, V/9g, V/9i, V/9j, V/9k and V/9n, respectively, to bring their legislation and practice into compliance with the Convention, while recognizing that further work is needed by these Parties to fully address the outstanding points of non-compliance;

17. *Further welcomes* the constructive engagement by Bulgaria with the Committee during the intersessional period, but expresses its deep concern that the Party concerned continues to maintain the position that implementing the recommendations in decision V/9d is not required for its full compliance with article 9, paragraphs 2 and 3, of the Convention and recalls that it had already expressed its concern at the position of Bulgaria in paragraph 5 of decision V/9d;

18. *Additionally welcomes* the constructive efforts made by Turkmenistan to address the recommendations made by the Meeting of the Parties through decision V/9l,

[28] ECE/MP.PP/C.1/2017/11.
[29] ECE/MP.PP/2014/2, para. 53.
[30] ECE/MP.PP/2017/33 (Armenia).
[31] ECE/MP.PP/2017/34 (Austria).
[32] ECE/MP.PP/2017/35 (Belarus).
[33] ECE/MP.PP/2017/36 (Bulgaria).
[34] ECE/MP.PP/2017/37 (Croatia).
[35] ECE/MP.PP/2017/38 (Czechia).
[36] ECE/MP.PP/2017/39 (European Union).
[37] ECE/MP.PP/2017/40 (Germany).
[38] ECE/MP.PP/2017/41 (Kazakhstan).
[39] ECE/MP.PP/2017/42 (Romania).
[40] ECE/MP.PP/2017/43 (Spain).
[41] ECE/MP.PP/2017/44 (Turkmenistan).
[42] ECE/MP.PP/2017/45 (Ukraine).
[43] ECE/MP.PP/2017/46 (United Kingdom).

while expressing its concern that the Party concerned failed to inform the Committee of the amendments to its Act of Public Associations adopted on 4 February 2017;

19. *Requests* the Committee, pursuant to paragraph 13 (b) of the annex to decision I/7, to review the compliance of Turkmenistan with article 3, paragraphs 1, 4 and 9, of the Convention in the light of the amendments to the Act of Public Associations of 4 February 2017 with respect to the possibilities for foreign citizens and persons without citizenship to found and participate in non-governmental organizations promoting environmental protection;

20. *Also requests* the Committee, with the support of the secretariat, to provide advice and assistance and, where appropriate, to make recommendations to the Parties concerned to support the implementation of decisions VI/8a, VI/8b, VI/8c, VI/8d, VI/8e, VI/8g, VI/8h, VI/8i, VI/8j and VI/8k concerning their compliance;

21. *Undertakes* to review the implementation of decisions VI/8a, VI/8b, VI/8c, VI/8d, VI/8e, VI/8g, VI/8h, VI/8i, VI/8j and VI/8k at its seventh ordinary session, and also the more general recommendations contained in the following paragraphs and, with this in mind, requests the Committee to examine these matters in advance of that meeting and to submit reports on the implementation of those decisions and recommendations to it for consideration at its seventh session;

Resources

22. *Invites* all Parties and other interested States and organizations in a position to do so to provide countries with economies in transition with assistance aimed at improving implementation of, and compliance with, the Convention;

23. *Notes* that the workload of both the secretariat and the Committee related to the functioning of the compliance mechanism has significantly increased during the intersessional period 2014–2017 and is expected to increase further, and requests the Working Group of the Parties, the Bureau and the secretariat, in their respective roles, to ensure that sufficient human and financial resources are made available for this purpose;

24. *Requests* the secretariat to continue to produce the agendas, reports, findings and other documents prepared by the Compliance Committee as official documents and to make them available in time for consideration at the relevant meetings in the three official languages of the United Nations Economic Commission for Europe, without recourse to additional extrabudgetary resources.

Decision VI/8a
Compliance by Armenia with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[44]

Mindful of the conclusions and recommendations set out in its decision V/9a with regard to compliance by Armenia,[45]

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9a concerning compliance by Armenia with its obligations under the Convention,[46]

Encouraged by the willingness of Armenia to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that the Party concerned has met the requirements of paragraphs 4 (c) (iii) and (iv) of decision V/9a;

2. *Also endorses* the finding of the Committee that the Party concerned has not yet fulfilled the requirements of paragraph 4 (c) (i) and (ii) and paragraph 7 (a) and (b) of decision V/9a, but welcomes the steps taken by the Party concerned to date in that direction;

3. *Reaffirms* its decision V/9a, and requests the Party concerned to take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:

(a) Thresholds for activities subject to an environmental impact assessment procedure, including public participation, are set in a clear manner;

(b) Reasonable time frames that are significantly longer than those currently provided for are set for the public to consult and comment on project-related documentation;

(c) Its legislation, including the law on non-governmental organizations and administrative procedures, complies with article 9, paragraph 2, of the Convention with regard to standing;

(d) It continues its efforts to raise awareness of the judiciary to promote implementation of domestic legislation in accordance with the Convention;

4. *Requests* the Party concerned:

(a) To provide detailed progress reports to the Committee by 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To promptly provide the text of any legislative measures adopted to implement the above recommendations, together with English translations thereof;

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[44] ECE/MP.PP/2/Add.8.
[45] See ECE/MP.PP/2014/2/Add.1.
[46] ECE/MP.PP/2017/33.

(c) To provide such additional information as the Committee may request in between the above reporting dates in order to assist the Committee to review the progress by the Party concerned in implementing the above recommendations;

(d) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

5. *Undertakes* to review the situation at its seventh session.

Decision VI/8b
Compliance by Austria with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[47]

Mindful of the conclusions and recommendations set out in its decision V/9b[48] with regard to compliance by Austria,

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9b concerning compliance by Austria with its obligations under the Convention,[49]

Encouraged by the willingness of Austria to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that the Party concerned has not yet fulfilled the requirements of decision V/9b;

2. *Welcomes* the steps taken by the Party concerned to date to address the recommendations set out in paragraphs 3 (a) (i) and (ii) of decision V/9b, but expresses its concern at the slow progress by the Party concerned in addressing the recommendations set out in paragraphs 3 (a) (iii) and 6 of decision V/9b, in particular given the time that has passed since those recommendations were adopted by the Committee with the agreement of the Party concerned;

3. *Reaffirms* its decision V/9b and requests that the Party concerned:

(a) As a matter of urgency, take the necessary legislative, regulatory, and administrative measures and practical arrangements to ensure that criteria for non-governmental organization (NGO) standing to challenge acts or omissions by private persons or public authorities that contravene national law relating to the environment under article 9, paragraph 3, of the Convention are revised and specifically laid down in sectorial environmental laws, in addition to any existing criteria for NGO standing in the environmental impact assessment, integrated pollution prevention and control, waste management or environmental liability laws;

(b) Also ensure that, when addressing subparagraph (a) above, members of the public, including NGOs, have access to adequate and effective administrative or judicial

[47] ECE/MP.PP/2/Add.8.
[48] See ECE/MP.PP/2014/2/Add.1.
[49] ECE/MP.PP/2017/34.

procedures and remedies in order to challenge acts and omissions of private persons and public authorities that contravene national laws, including administrative penal laws and criminal laws, relating to the environment;

(c) Provide the Committee as soon as possible and no later than 1 October 2018 with a detailed plan of action on how it will implement the above recommendations;

(d) Develop a capacity-building programme and provide training on the implementation of the Convention for judges, prosecutors and lawyers;

(e) Provide detailed progress reports to the Committee by 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(f) Provide such additional information as the Committee may request in between the above reporting dates in order to assist the Committee to review the progress by the Party concerned in implementing the above recommendations;

(g) Participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

4. *Undertakes* to review the situation at its seventh session.

Decision VI/8c
Compliance by Belarus with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[50]

Mindful of the conclusions and recommendations set out in its decision V/9c with regard to compliance by Belarus,[51]

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9c concerning compliance by Belarus with its obligations under the Convention[52] and the findings of the Committee on communication ACCC/C/2014/102[53] concerning the harassment and persecution of nuclear activists,

Encouraged by the willingness of Belarus to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that the Party concerned has not yet fulfilled all the requirements of decision V/9c but has made considerable progress to date in that direction;

2. *Also endorses* with respect to decision V/9c the following findings of the Committee:

[50] ECE/MP.PP/2/Add.8.
[51] See ECE/MP.PP/2014/2/Add.1.
[52] ECE/MP.PP/2017/35.
[53] ECE/MP.PP/C.1/2017/19.

(a) The Party concerned has fulfilled the requirements of paragraph 6 (a) of decision V/9c, namely, to ensure that the general requirement of stating an interest does not apply to requests for access to environmental information;

(b) The Party concerned has not yet fully met the requirements of paragraph 6 (b) of decision V/9c to establish clear requirements to inform the public of its opportunities to participate in decision-making processes on activities subject to article 6 and, in particular, it has not yet established clear requirements to inform the public in an effective manner with respect to environmental impact assessment reports and, with respect to other information relevant to decisions on activities subject to article 6, including project documentation, to do so in an adequate, timely and effective manner;

(c) The Party concerned has not yet fully met the requirements of paragraph 6 (c) of decision V/9c to establish clear requirements regarding the form and content of the public notice, by not clearly requiring the following to be addressed in the public notice:

(i) The public authority responsible for making the decision to permit the proposed activity subject to article 6;

(ii) The public authority from which relevant information other than the environmental impact assessment report can be obtained and where the relevant information other than the environmental impact assessment report has been deposited for examination by the public;

(iii) Whether the activity is subject to a transboundary environmental impact assessment procedure;

(d) The Party concerned will remain in non-compliance with article 6 of the Convention until the legal framework of the Party concerned is revised to ensure that the rights set out in article 6 of the Convention apply not only to the environmental impact assessment report, but to all information relevant to decisions permitting activities subject to article 6, including project documentation; this is a fundamental point;

(e) While the Party concerned has fulfilled the requirements of decision V/9c set out below with respect to public participation on environmental impact assessment reports, it has not yet fulfilled these requirements with respect to public participation on other information relevant to decisions to permit activities subject to article 6, including project documentation:

(i) The requirement in paragraph 6 (d) of decision V/9c to establish reasonable minimum time frames for submitting comments during the public participation procedure for all decisions under article 6 of the Convention, taking into account the stage of decision-making as well as the nature, size and complexity of the proposed activity;

(ii) The requirement in paragraph 6 (e) of decision V/9c to establish a clear possibility to submit comments directly to the authorities competent to take the decisions subject to article 6 of the Convention;

(iii) The requirement in paragraph 6 (f) of decision V/9c to establish clear provisions imposing obligations on the relevant public authorities to ensure such opportunities for public participation as are required under the Convention, including for making available the relevant information and collecting comments through written submissions and/or at public hearings;

(iv) The requirement in paragraph 6 (g) of decision V/9c to establish clear provisions imposing obligations on the relevant public authorities to take due account of the outcome of public participation, and to provide evidence of this in a publicly available statement of reasons on which the decision is based;

(f) The Party concerned has implemented the requirement to promptly inform the public of decisions in relation to the conclusions of State ecological expertise. However, without a clear indication as to what constitutes the final decision in the system of the Party concerned, the Party concerned has not fully met the requirements of paragraph 6 (h) (i) of decision V/9c;

(g) The Party concerned has implemented the requirement to maintain and make accessible copies of decisions and relevant information regarding decisions taken as a result of an environmental impact assessment. However, without a clear indication as to what constitutes the final decision in the system of the Party concerned, the Party concerned has not fully met the requirements of paragraph 6 (h) (ii) of decision V/9c;

(h) The Party concerned has implemented the requirement to create publicly accessible lists or registers of decisions for decisions taken as a result of an environmental impact assessment. However, without a clear indication as to what constitutes the final decision in the system of the Party concerned, the Party concerned has not fully met the requirements of paragraph 6 (h) (iii) of decision V/9c;

(i) The Party concerned has not yet fulfilled the requirements of paragraph 6 (i) of decision V/9c, namely to ensure that statutory provisions regarding situations where provisions on public participation do not apply cannot be interpreted to allow for much broader exemptions than allowed under article 6, paragraph 1 (c), of the Convention;

(j) While the steps taken so far are welcome, the Party concerned has not yet fully met the requirement in paragraph 7 (a) of decision V/9c to clearly designate in its legal framework which decision is to be considered the final decision and to make those decisions publicly available;

(k) The Party concerned has fulfilled the requirements of paragraph 7 (b) of decision V/9c to submit the full content of all comments made by the public regarding the environmental impact assessment report; however, it has not yet fulfilled the requirements of that paragraph with respect to comments on other information relevant to decisions to permit activities subject to article 6;

(l) The Party concerned has met the requirements of paragraph 7 (c) of decision V/9c to make appropriate provision for the public to participate during the preparation of plans and programmes relating to the environment;

3. *Reaffirms* its decision V/9c and requests the Party concerned take as a matter of urgency the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:

(a) There are clear requirements to inform the public of its opportunities to participate in decision-making processes on activities subject to article 6 and in particular:

(i) With respect to environmental impact assessment reports, to inform the public in an effective manner;

(ii) With respect to other information relevant to decisions on activities subject to article 6, including project documentation, to inform the public in an adequate, timely and effective manner;[54]

(b) The content of the public notice required under article 6, paragraph 2, of the Convention includes inter alia the following:

[54] See decision V/9c, para. 6 (b).

(i) The public authority responsible for making the decision to permit the proposed activity subject to article 6;

(ii) The public authority from which relevant information other than the environmental impact assessment report can be obtained and where the relevant information other than the environmental impact assessment report has been deposited for examination by the public;

(iii) Whether the activity is subject to a transboundary environmental impact assessment procedure;[55]

(c) The rights set out in article 6 of the Convention apply not only to the environmental impact assessment report but to all information relevant to decisions permitting activities subject to article 6, including project documentation, and that with respect to public participation on such information:

(i) There are reasonable minimum time frames for submitting comments during the public participation procedure for all decisions under article 6 of the Convention, taking into account the stage of decision-making as well as the nature, size and complexity of proposed activities;[56]

(ii) There is a clear possibility for the public to submit comments directly to the relevant authorities (i.e., the authorities competent to take the decisions subject to article 6 of the Convention);[57]

(iii) There are clear provisions imposing obligations on the relevant public authorities to ensure such opportunities for public participation as are required under the Convention, including for making available the relevant information and for collecting the comments through written submission and/or at the public hearings;[58]

(iv) The full content of all comments made by the public (whether claimed to be accommodated by the developer or those which are not accepted) is submitted to the authorities responsible for taking the decision (including those responsible for the *expertiza* conclusion);[59]

(v) There are clear provisions imposing obligations on the relevant public authorities to take due account of the outcome of public participation, and to provide evidence of this in a publicly available statement of reasons and considerations on which the decisions is based;[60]

(d) Statutory provisions regarding situations where provisions on public participation do not apply cannot be interpreted to allow for much broader exemptions than allowed under article 6, paragraph 1 (c), of the Convention;[61]

(e) The amended legal framework clearly designates which decision is considered to be the final decision permitting the activity and that this decision is promptly made public, as required under article 6, paragraph 9, of the Convention;[62]

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[55] Ibid., para. 6 (c).
[56] Ibid., para. 6 (d).
[57] Ibid., para. 6 (e).
[58] Ibid., para. 6 (f).
[59] Ibid., para. 7 (b).
[60] Ibid., para. 6 (g).
[61] Ibid., para. 6 (i).
[62] Ibid, paras. 6 (h) (i) and 7 (a).

4. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2014/102:

(a) The arrest of Mr. Ozharovskiy for "using obscene language in the street" at 11.22 a.m. on 18 July 2012 and his related 10 days' administrative detention and 10-year ban on entering Belarus constituted harassment, penalization and persecution in non-compliance with article 3, paragraph 8, of the Convention;

(b) The arrest of Ms. Novikova for "using obscene language in the street" at 11.22 a.m. on 18 July 2012 and her related five days' administrative detention constituted harassment, penalization and persecution in non-compliance with article 3, paragraph 8, of the Convention;

(c) The arrest of Mr. Matskevich for "using obscene language in the street" at 12 p.m. on 18 July 2012 and his related three days' administrative detention constituted harassment, penalization and persecution in non-compliance with article 3, paragraph 8, of the Convention;

(d) The arrest of Ms. Sukhiy for "using obscene language in the street" at 12 p.m. on 18 July 2012 and her related fine of Rbl 1.5 million constituted harassment, penalization and persecution in non-compliance with article 3, paragraph 8, of the Convention;

(e) The prolonged documents check of Ms. Sukhiy on 26 April 2013, which prevented her participation in the Chernobyl Way 2013 street action, constituted harassment, penalization and persecution in non-compliance with article 3, paragraph 8, of the Convention;

5. *Welcomes* the recommendations made by the Committee during the intersessional period with respect to its findings on communication ACCC/C/2014/102 in accordance with paragraph 36 (b) of the annex to decision I/7;

6. *Also welcomes* the willingness of the Party concerned to accept the Committee's recommendations, namely, that the Party concerned:

(a) Take the necessary legislative, regulatory, administrative, institutional, practical or other measures to ensure that members of the public exercising their rights in conformity with the provisions of the Convention are not penalized, persecuted or harassed for their involvement;

(b) Disseminate the Committee's findings and recommendations on communication ACCC/C/2014/102 to senior officials in the police, security forces, judiciary and to other relevant authorities, for their information and action, together with a request for them to disseminate the findings to all relevant officials in order to raise awareness of their obligation to ensure compliance with article 3, paragraph 8, of the Convention;

(c) Deliver appropriate training and information programmes on human rights law relevant to article 3, paragraph 8, of the Convention, for police, security forces and the judiciary to ensure that members of the police and security forces do not exercise their powers in a manner, and identity checks and arrests for alleged public order violations are not utilized in a way, that would restrict members of the public from legitimately exercising their rights to participate in decision-making as recognized in article 1 of the Convention;

(d) Report to the Committee on an annual basis on all measures taken to fulfil the measures above;

7. *Notes with appreciation* that when evaluating the implementation of the Party concerned of the above recommendations, the Committee will take into account any information received from members of the public or other sources about future incidents of alleged penalization, persecution or harassment contrary to article 3, paragraph 8, of the

Convention together with any information provided by the Party concerned regarding those alleged incidents;

8. *Requests* the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

9. *Undertakes* to review the situation at its seventh session.

Decision VI/8d
Compliance by Bulgaria with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[63]

Mindful of the conclusions and recommendations set out in its decision V/9d[64] with regard to compliance by Bulgaria,

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9d concerning compliance by Bulgaria[65] and the findings of the Committee on communication ACCC/C/2012/76[66] concerning injunctive relief in connection with challenges to environmental permits,

Encouraged by the willingness of Bulgaria to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that the Party concerned has not yet fulfilled the requirements of decision V/9d;

2. *Reaffirms* its decision V/9d and, in particular, reiterates paragraphs 2 and 5 of that decision in their entirety;

3. *Requests* that the Party concerned, as a matter of urgency, take the necessary legislative, regulatory and administrative measures to ensure that:

(a) Members of the public, including environmental organizations, have access to justice with respect to General Spatial Plans and Detailed Spatial Plans;

[63] ECE/MP.PP/2/Add.8.
[64] See ECE/MP.PP/2014/2/Add.1.
[65] ECE/MP.PP/2017/36.
[66] ECE/MP.PP/C.1/2016/3.

(b) Members of the public concerned, including environmental organizations, have access to review procedures to challenge construction and exploitation permits for the activities listed in annex I to the Convention;

4. *Calls upon* all relevant ministries of the Party concerned, including the Ministry of Justice, to work together to ensure the successful fulfilment of the above recommendations;

5. *Decides*, in the light of the position of the Party concerned that implementing paragraphs 2 (a) and 2 (b) of decision V/9d is not required for its full compliance with article 9, paragraphs 2 and 3, of the Convention:

(a) To issue a caution to the Party concerned;

(b) That the caution will be lifted on 1 October 2019 if the Party concerned has fully met the requirements in paragraph 3 of this decision and has notified the secretariat of this fact, providing evidence, by the same date;

(c) To request the Committee to establish the successful fulfilment of subparagraph (b) above;

6. *Endorses* the finding of the Compliance Committee with regard to communication ACCC/C/2012/76 that, with respect to appeals under article 60, paragraph 4, of the Administrative Procedure Code of orders for preliminary enforcement challenged on the ground of potential environmental damage, a practice in which the courts rely on the conclusions of a contested environmental impact assessment decision, strategic environmental assessment decision or decision on Assessment of Compatibility with the Special Protected Zones of Natura 2000 (contested EIA/SEA decision) rather than making their own assessment of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment and the need for precaution with respect to preventing environmental harm, does not ensure that such procedures provide adequate and effective remedies to prevent environmental damage. Therefore, the Party concerned fails to comply with article 9, paragraph 4, of the Convention;

7. *Welcomes* the recommendation made by the Committee during the intersessional period with respect to its findings on communication ACCC/C/2012/76 in accordance with paragraph 36 (b) of the annex to decision I/7;

8. *Also welcomes* the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned review the approach of its courts to appeals under article 60, paragraph 4, of the Administrative Procedure Code of orders for preliminary enforcement challenged on the ground of potential environmental damage, and undertake practical and/or legislative measures to ensure that:

(a) Instead of relying on the conclusions of the contested EIA/SEA decision, the courts in such appeals make their own assessment of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment and the need for precaution with respect to preventing environmental harm;

(b) The courts in their decisions on such appeals set out their reasoning to clearly show how they have balanced the interests, including the assessment they have undertaken of the risk of environmental damage in the light of all the facts and arguments significant to the case, taking into account the particularly important public interest in the protection of the environment and the need for precaution with respect to preventing environmental harm;

(c) Training and guidance is provided for judges and public officials in relation to how to carry out the above-mentioned balancing of interests in environmental cases, including on how to properly reflect that balancing in their reasoning;

9. *Requests* that the Party concerned:

(a) Submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) Provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) Participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

10. *Undertakes* to review the situation at its seventh session.

Decision VI/8e
Compliance by Czechia with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[67]

Mindful of the conclusions and recommendations set out in its decision V/9f with regard to compliance by Czechia,[68]

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9f concerning compliance by Czechia with its obligations under the Convention[69] and the findings of the Committee on communication ACCC/C/2012/71[70] concerning the possibility for members of the public in Germany to participate in the decision-making regarding the Temelín nuclear power plant,

Encouraged by the willingness of Czechia to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that the Party concerned has met the requirements of paragraph 4 (a), (b), (c) and (d) of decision V/9f;

2. *Also endorses* the finding of the Committee that the Party concerned has not yet fully met the recommendations set out paragraph 4 (e) and paragraph 6 of decision V/9f, but welcomes the steps taken by the Party concerned in that direction;

3. *Reaffirms* decision V/9f and requests the Party concerned to take the necessary legislative, regulatory and administrative measures to ensure that:

[67] ECE/MP.PP/2/Add.8.
[68] See ECE/MP.PP/2014/2/Add.1.
[69] ECE/MP.PP/2017/38.
[70] ECE/MP.PP/C.1/2017/3.

(a) Members of the public are granted access to administrative or judicial procedures to challenge acts and omissions by an operator or competent authority when an operator contravenes provisions of national law relating to noise;

(b) The Party concerned, in future, submits plans and programmes similar in nature to the National Investment Plan to public participation as required by article 7, in conjunction with the relevant paragraphs of article 6, of the Convention;

4. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2012/71:

(a) That by not providing a clear requirement in its legal framework to ensure that public authorities, when selecting means of notifying the public, are bound to select such means which, bearing in mind the nature of the proposed activity, would ensure that all those who potentially could be concerned, including the public outside the territory of the Party concerned, have a reasonable chance to learn about the proposed activity, the Party concerned has failed to comply with article 6, paragraph 2, of the Convention with respect to its legal framework;

(b) Regarding the decision-making on the Temelín nuclear power plant, that if the public participation procedure on the environmental impact assessment stage were to remain the last possibility for the public concerned, including the public concerned in Germany, to participate in the permitting procedure for the Temelín nuclear power plant, the Party concerned would fail to comply with article 6, paragraphs 2 (d) (ii), 3, 4, 6 and 7, of the Convention;

5. *Welcomes* the recommendations made by the Committee during the intersessional period with respect to its findings on communication ACCC/C/2012/71 in accordance with paragraph 36 (b) of the annex to decision I/7;

6. *Also welcomes* the willingness of the Party concerned to accept the Committee's recommendations, namely, that the Party concerned provide:

(a) A legal framework to ensure that when selecting means of notifying the public under article 6, paragraph 2, public authorities are required to select such means as will ensure effective notification of the public concerned, bearing in mind the nature of the proposed activity and including, in the case of proposed activities with potential transboundary impacts, the public concerned outside the territory of the Party concerned;

(b) The necessary arrangements to ensure that:

(i) When conducting transboundary procedures in cooperation with the authorities of affected countries, the competent public authorities make the necessary efforts to ensure that the public concerned in the affected countries is in fact notified in an effective manner;

(ii) There will be proper possibilities for the public concerned, including the public outside the territory of the Party concerned, to participate at the subsequent stages of the multistage decision-making procedure regarding the Temelín nuclear power plant;

7. *Requests* the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

8. *Undertakes* to review the situation at its seventh session.

Decision VI/8g
Compliance by Kazakhstan with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[71]

Mindful of the conclusions and recommendations set out in its decision V/9i with regard to compliance by Kazakhstan,[72]

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9i concerning compliance by Kazakhstan with its obligations under the Convention[73] and the findings of the Committee on communication ACCC/C/2013/88[74] concerning public participation in decision-making regarding the construction of a ski resort,

Encouraged by the willingness of Kazakhstan to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the findings of the Committee that:

(a) The Party concerned has met the requirements of paragraph 7 (a) of decision V/9i with respect to the introduction of a mandatory obligation to inform the public in a timely manner of decision-making on activities subject to article 6, paragraph 1, of the Convention and detailing the means of public notice, but not yet with respect to the mandatory content of the public notice or the requirement to ensure that the public authority competent for the decision-making on such activities gives the public concerned access to all information relevant to the decision-making;

(b) The Party concerned has fulfilled some of the requirements of paragraph 7 (b) of decision V/9i by removing the obligation for comments to be reasoned and allowing the public to submit comments on the OVOS report and other project-related documentation, but has not yet fulfilled all the requirements of that paragraph by failing to eliminate the stipulation that comments must be "reasonable";

(c) The Party concerned has not yet met the requirement in paragraph 7 (c) (i) of decision V/9i to take the necessary measures to ensure that the relevant public authorities inform the public promptly of the decisions taken and how the text of the decisions can be accessed, nor the requirement in paragraph 7 (c) (ii) to maintain publicly accessible lists or registers of the decisions taken;

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[71] ECE/MP.PP/2/Add.8.
[72] See ECE/MP.PP/2014/2/Add.1.
[73] ECE/MP.PP/2017/41.
[74] ECE/MP.PP/C.1/2017/12.

2. *Reaffirms* decision V/9i and requests the Party concerned to take the necessary legislative, regulatory and administrative measures:

(a) To ensure that the mandatory requirements of the content of the public notice, as prescribed by article 6, paragraph 2, of the Convention, are detailed in law;

(b) To establish a clear and consistent requirement for all information relevant to the decision-making to be made accessible to the public, in accordance with article 6, paragraph 6, of the Convention;

(c) To ensure that, in accordance with article 6, paragraph 7, of the Convention, the submission of comments by the public is not limited to only "reasonable" comments;

(d) To establish appropriate procedures, which are not limited to publishing decisions only on websites, to promptly notify the public of the environmental *expertiza* conclusions, and to facilitate public access to these decisions, in accordance with article 6, paragraph 9, of the Convention;

(e) To maintain and make accessible to the public, through publicly available lists or registers, copies of the decisions taken and other information relevant to the decision-making, including evidence of having fulfilled the obligation to inform the public and provide it with opportunities to submit comments;

3. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2013/88:

(a) By failing to ensure that its legal framework ensures that the public concerned is informed in an adequate, timely and effective manner of all matters listed in article 6, paragraph 2 (a)-(e), of the Convention, the Party concerned has failed to comply with article 6, paragraph 2, of the Convention both with respect to its current legislation and regarding the public participation procedure on the Kok Zhailau ski resort in particular;

(b) By failing to ensure a sufficient time frame for the public to prepare and participate effectively during the environmental decision-making on the Kok Zhailau ski resort, the Party concerned failed to comply with article 6, paragraph 3, of the Convention;

(c) By failing to set out clear requirements in its legal framework for due account to be taken of the outcomes of public participation in decision-making within the scope of articles 6 and 7 of the Convention, the Party concerned fails to comply with article 6, paragraph 8, and article 7 in conjunction with article 6, paragraph 8, of the Convention;

(d) By failing to make appropriate practical and/or other provisions for the public to participate during the preparation of plans, programmes and policies relating to the environment, the Party concerned has failed to comply with article 7 of the Convention in general;

(e) By failing to provide for early and effective public participation on the "Plan to Develop World-Class Ski Resorts in Almaty Region and near Almaty", the Party concerned has failed to comply with article 7 in conjunction with article 6, paragraphs 3, 4 and 8, of the Convention;

4. *Welcomes* the recommendation made by the Committee during the intersessional period with respect to its findings on communication ACCC/C/2013/88 in accordance with paragraph 36 (b) of the annex to decision I/7;

5. *Also welcomes* the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that:

(a) The content of the public notice prescribed by the Rules of Public Hearings meets all the requirements set out in article 6, paragraph 2, of the Convention;

(b) Time frames set for decision-making procedures subject to articles 6 or 7 of the Convention are sufficient to enable the public to prepare and to participate effectively and:

(i) To the extent possible, they do not overlap with holiday periods and other non-working days;

(ii) The volume and the complexity of the project or plan, programme or policy is considered when setting the relevant time frames;

(c) Appropriate practical and/or other provisions are made for the public to participate during the preparation of plans within the scope of article 7 of the Convention, including clear requirements to ensure that:

(i) The necessary information is provided to the public;

(ii) The public that may participate is identified by the relevant public authority;

(iii) The requirements of article 6, paragraphs 3, 4, and 8, of the Convention are applied;

6. *Requests* the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

7. *Undertakes* to review the situation at its seventh session.

Decision VI/8h
Compliance by Romania with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[75]

Mindful of the conclusions and recommendations set out in its decision V/9j[76] with regard to compliance by Romania,

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9j concerning compliance by

[75] ECE/MP.PP/2/Add.8.

[76] See ECE/MP.PP/2014/2/Add.1.

Romania[77] and the findings of the Committee on communication ACCC/C/2012/69[78] in connection with access to information and public participation in decision-making regarding the Rosia Montana mining project,

Encouraged by the willingness of Romania to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee with respect to decision V/9j that the Party concerned has not yet fulfilled all the requirements of that decision, while welcoming the steps taken by the Party concerned in that direction;

2. *Recommends* that the Party concerned take the necessary legislative, regulatory, administrative or practical measures to ensure that public officials:

(a) Respond to requests of members of the public to access environmental information as soon as possible, and at the latest within one month after the request was submitted, and, in the case of a refusal, to state the reasons for the refusal;

(b) Interpret the grounds for refusing access to environmental information in a restrictive way, taking into account the public interest served by disclosure, and in stating the reasons for a refusal to specify how the public interest served by disclosure was taken into account;

(c) Provide reasonable time frames, commensurate with the nature and complexity of the document, for the public to get acquainted with draft strategic documents subject to the Convention and to submit their comments;

3. *Also recommends* that the Party concerned provide adequate information and training to public authorities about the above duties;

4. *Requests* the Party concerned to take urgent measures to fully address the above recommendations;

5. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2012/69:

(a) The Party concerned failed to comply with article 4, paragraphs 1 and 2, of the Convention in two respects: by its failure to provide the communicants with a physical or electronic copy of the requested archaeological study and for denying access on the grounds of intellectual property rights;

(b) Owing to its failure to provide the requested mining-related information or to redact those parts validly within the scope of the exceptions in article 4, paragraph 4, of the Convention and to disclose the remainder, the Party concerned is in non-compliance with article 4, paragraphs 1 and 2, of the Convention;

(c) By failing to ensure that the non-confidential portion of the information is made available, the Party concerned fails to comply with article 4, paragraph 6, of the Convention;

(d) By failing to provide reasons for the refusal of the request for the mining-related information in 2010, the Party concerned failed to comply with article 4, paragraph 7, of the Convention;

[77] ECE/MP.PP/2017/42.

[78] ECE/MP.PP/C.1/2015/10.

(e) By not providing for any public participation in the procedure for issuing the archaeological discharge certificate, the Party concerned failed to comply with article 6, paragraphs 3 and 7, of the Convention;

(f) The Party concerned has failed to ensure that the review procedures for information requests referred to in article 9, paragraph 1, of the Convention are timely and provide an effective remedy, as required by article 9, paragraph 4, of the Convention;

6. *Welcomes* the recommendation made by the Committee during the intersessional period with respect to its findings on communication ACCC/C/2012/69 in accordance with paragraph 36 (b) of the annex to decision I/7;

7. *Also welcomes* the willingness of the Party concerned to accept the Committee's recommendations, namely, that it:

(a) Take the necessary legislative, regulatory or administrative measures and practical arrangements, as appropriate, to ensure the correct implementation of the Convention with respect to:

(i) Article 2, paragraph 3: the definition of "environmental information";

(ii) Article 4, paragraph 4: the grounds for refusal and the requirement to interpret those grounds in a restrictive way, taking into account the public interest served by disclosure;

(iii) Article 4, paragraph 6: the requirement to separate confidential from non-confidential information whenever possible and to make available the latter;

(iv) Article 4, paragraph 7: the requirement to provide reasoned statements for refusing a request for access to information;

(b) Review its legal framework in order to identify cases where decisions to permit activities within the scope of article 6 of the Convention are conducted without effective participation of the public (article 6, paras. 3 and 7), and take the necessary legislative and regulatory measures to ensure that such situations are adequately remedied;

(c) Review its legal framework and undertake the necessary legislative, regulatory and administrative measures to ensure that the court procedures for access to environmental information are timely and provide adequate and effective remedies;

(d) Provide adequate practical arrangements or measures to ensure that the activities listed in subparagraphs (a), (b) and (c) above are carried out with broad participation of the public authorities and the public concerned;

8. *Requests* the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

9. *Undertakes* to review the situation at its seventh session.

Decision VI/8i
Compliance by Slovakia with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[79]

Taking note of the findings of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on communication ACCC/C/2013/89[80] concerning compliance by Slovakia in connection with public participation in decision-making and access to justice with respect to an extension to the Mochovce nuclear power plant, including paragraphs 74 and 75 thereof,

Encouraged by the willingness of Slovakia to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that in the context of a decision-making procedure subject to article 6 of the Convention, and with respect to requests for information under article 4 generally, the Party concerned has failed to comply with article 4, paragraph 4, and also article 6, paragraph 6, in conjunction with article 4, paragraph 4, of the Convention:

(a) By adopting an approach in the Directive on Sensitive Information whereby whole categories of nuclear-related environmental information are unconditionally declared as confidential and for which (contrary to the general legal regulation in the Freedom of Information Act) no release is possible;

(b) For failing to require that any grounds for refusal are interpreted in a restrictive way, taking into account the public interest served by disclosure and whether the information relates to emissions into the environment;

2. *Recommends* that the Party concerned take the necessary legislative, regulatory and administrative measures and practical arrangements to ensure that when providing access to nuclear-related information within the scope of article 2, paragraph 3, of the Convention, any grounds for refusal under article 4, paragraph 4, of the Convention are interpreted in a restrictive way and taking into account the public interest served by disclosure and whether the information requested relates to emissions into the environment;

3. *Requests* the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

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[79] ECE/MP.PP/2/Add.8.

[80] ECE/MP.PP/C.1/2017/13.

4. *Undertakes* to review the situation at its seventh session.

Decision VI/8j
Compliance by Spain with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on a review of compliance,[81]

Mindful of the conclusions and recommendations set out in its decision V/9k[82] with regard to compliance by Spain,

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9k concerning compliance by Spain with its obligations under the Convention,[83] and the findings of the Committee on communication ACCC/C/2014/99[84] concerning public participation in decision-making and access to justice regarding an environmental permit for a cement plant,

Encouraged by the willingness of Spain to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the finding of the Committee that the Party concerned has fulfilled the requirements of paragraph 5 of decision V/9k to the extent that the Party concerned is no longer in a state of non-compliance with article 4, paragraph 8, of the Convention with respect to the specific points of non-compliance identified in paragraph 79 of the Committee's findings on communication ACCC/C/2008/24;[85]

2. *Also endorses* the Committee's finding that the Party concerned has not yet met the requirements of paragraph 6 of decision V/9k;

3. *Requests* the Party concerned to take measures, as a matter of urgency, to ensure that the remaining obstacles to the full implementation of article 9, paragraphs 4 and 5, of the Convention with respect to legal aid for non-governmental organizations identified by the Committee in paragraph 66 of its findings on communication ACCC/C/2009/36 are overcome;

4. *Calls upon* all relevant ministries of the Party concerned, including the Ministry of Justice, to work together in that regard.

5. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2014/99:

(a) By not properly informing the public concerned about the project by the company Uniland Cementera, SA, and in particular about:

(i) The proposed change to or extension of an activity subject to article 6 of the Convention or an update of its operating conditions;

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[81] ECE/MP.PP/2/Add.8.
[82] See ECE/MP.PP/2014/2/Add.1.
[83] ECE/MP.PP/2017/43.
[84] ECE/MP.PP/C.1/2017/17.
[85] ECE/MP.PP/C.1/2009/8/Add.1.

(ii) The public authority responsible for making the decision;

(iii) What environmental information relevant for the proposed activity was available;

(iv) The fact that the activity was subject to an environmental impact assessment procedure;

the Party concerned failed to comply with article 6, paragraph 2 (a), (c), (d) (vi) and (e), of the Convention;

(b) By not informing the public about the decision to permit the activity subject to article 6 of the Convention by any other means than publishing the decision on the Internet, the Party concerned failed to comply with article 6, paragraph 9, of the Convention;

6. *Welcomes* the recommendation made by the Committee during the intersessional period with respect to its findings on communication ACCC/C/2014/99 in accordance with paragraph 36 (b) of the annex to decision I/7;

7. *Also welcomes* the willingness of the Party concerned to accept the Committee's recommendation, namely, that the Party concerned take the necessary legislative, regulatory or other measures and practical arrangements to ensure that the public is promptly informed of decisions taken under article 6, paragraph 9, of the Convention not only through the Internet, but also through other means, including but not necessarily limited to the methods used to inform the public concerned pursuant to article 6, paragraph 2, of the Convention;

8. *Requests* the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

9. *Undertakes* to review the situation at its seventh session.

Decision VI/8k
Compliance by the United Kingdom of Great Britain and Northern Ireland with its obligations under the Convention

The Meeting of the Parties,

Acting under paragraph 37 of the annex to its decision I/7 on the review of compliance,[86]

Mindful of the conclusions and recommendations set out in its decision V/9n with regard to compliance by the United Kingdom of Great Britain and Northern Ireland,[87]

[86] ECE/MP.PP/2/Add.8.

Taking note of the report of the Compliance Committee under the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters on the implementation of decision V/9n concerning compliance by the United Kingdom with its obligations under the Convention,[87] the findings of the Committee on communication ACCC/C/2012/77 concerning a costs order regarding a refused application for judicial review,[88] the findings of the Committee on joined communications ACCC/C/2013/85 and ACCC/C/2013/86[89] concerning the cost of access to justice in private nuisance proceedings and also the findings of the Committee on communication ACCC/C/2013/91[90] concerning the opportunities for the public in Germany to participate in the decision-making procedure to permit the construction of the Hinkley Point C nuclear power plant,

Encouraged by the willingness of the United Kingdom to discuss in a constructive manner with the Committee the compliance issues in question,

1. *Endorses* the following findings of the Committee with respect to decision V/9n:

(a) Regarding paragraphs 8 (a), (b) and (d) of decision V/9n, that:

(i) With respect to England and Wales, while the 2017 amendments to the costs protection system in England and Wales introduced some positive improvements, the 2017 amendments overall appear to have moved the Party concerned further away from meeting the requirements of paragraphs 8 (a), (b) and (d) of decision V/9n;

(ii) Concerning Scotland, the Party concerned has not yet fulfilled the requirements paragraphs 8 (a), (b) and (d) of decision V/9n, though the significant steps taken by the Party concerned to date in that direction are welcome;

(iii) With regard to Northern Ireland, the Party concerned has not yet fulfilled the requirements of paragraphs 8 (a), (b) and (d) of decision V/9n, though the considerable progress made by the Party concerned to date in that direction is welcome;

and in the light of its above findings, expresses its concern at the overall slow progress by the Party concerned in establishing a costs system which, as a whole, meets the requirements of paragraphs 8 (a), (b) and (d) of decision V/9n;

(b) That the Party concerned has fulfilled the requirements of paragraphs 8 (c) and (d) of decision V/9n with respect to time limits for judicial review in England and Wales and Scotland, but that, while welcoming the steps taken, the Party concerned has not yet fulfilled the requirements of paragraphs 8 (c) and (d) of decision V/9n with respect to time limits for judicial review in Northern Ireland;

(c) That the Party concerned has not yet met the requirements of paragraph 9 of decision V/9n and that the lack of progress by the Party concerned during the inter-sessional period in gives rise to concern;

[87] See ECE/MP.PP/2014/2/Add.1.
[88] ECE/MP.PP/2017/46.
[89] ECE/MP.PP/C.1/2015/3.
[90] ECE/MP.PP/C.1/2016/10.
[91] ECE/MP.PP/C.1/2017/14.

2. *Reaffirms* its decision V/9n and requests the Party concerned to, as a matter of urgency, take the necessary legislative, regulatory, administrative and practical measures to:

(a) Ensure that the allocation of costs in all court procedures subject to article 9 is fair and equitable and not prohibitively expensive;

(b) Further consider the establishment of appropriate assistance mechanisms to remove or reduce financial barriers to access to justice;

(c) Further review its rules regarding the time frame for the bringing of applications for judicial review in Northern Ireland to ensure that the legislative measures involved are fair and equitable and amount to a clear and transparent framework;

(d) Establish a clear, transparent and consistent framework to implement article 9, paragraph 4, of the Convention;

(e) Ensure that in future, plans and programmes similar in nature to national renewable energy action plans, if prepared, are submitted to public participation as required by article 7, in conjunction with the relevant paragraphs of article 6, of the Convention;

3. *Endorses* the finding of the Committee with regard to communication ACCC/C/2012/77 that the Party concerned failed to comply with article 9, paragraph 4, of the Convention since the cost order awarded against the communicant in that case made the procedure prohibitively expensive;

4. *Recommends* that the Party concerned ensure that its Civil Procedure Rules regarding costs are applied by its courts so as to ensure compliance with the Convention;

5. *Endorses* the finding of the Committee with regard to communications ACCC/C/2013/85 and ACCC/C/2013/86 that, by failing to ensure that private nuisance proceedings within the scope of article 9, paragraph 3, of the Convention, and for which there is no fully adequate alternative procedure, are not prohibitively expensive, the Party concerned fails to comply with article 9, paragraph 4, of the Convention;

6. *Recommends* that the Party concerned review its system for allocating costs in private nuisance proceedings within the scope of article 9, paragraph 3, of the Convention and undertake practical and legislative measures to overcome the problems identified in paragraphs 109 to 114 of the Committee's findings on communications ACCC/C/2013/85 and ACCC/C/2013/86 to ensure that such procedures, where there is no fully adequate alternative procedure, are not prohibitively expensive.;

7. *Endorses* the following findings of the Committee with regard to communication ACCC/C/2014/91:

(a) By not ensuring that the public concerned in Germany had a reasonable chance to learn about the proposed activity and the opportunities for the public to participate in the respective decision-making, the Party concerned failed to comply with article 6, paragraph 2, of the Convention with regard to the decision-making on the Hinkley Point C nuclear power plant;

(b) By not providing a clear requirement in its framework to ensure that public authorities, when selecting means of notifying the public, are bound to select such means which, bearing in mind the nature of the proposed activity, would ensure that all those who potentially could be concerned, including the public concerned outside its territory, have a reasonable chance to learn about the proposed activity, the Party concerned fails to comply with article 6, paragraph 2, of the Convention;

8. *Recommends* that the Party concerned put in place a clear requirement to ensure that:

(a) When selecting the means for notifying the public under article 6, paragraph 2, public authorities are required to select such means as will ensure effective notification of the public concerned in the territory outside of the Party concerned, bearing in mind the nature of the proposed activity, and the potential for transboundary impacts. In such a case, the Party concerned may engage other existing applicable treaty regimes (for example, the Convention on Environmental Impact Assessment in a Transboundary Context), provided that the procedures meet the requirements under the Aarhus Convention;

(b) When identifying who is the public concerned by the environmental decision-making on ultra-hazardous activities, such as nuclear power plan s, public authorities will apply the precautionary principle and consider the potential extent of the effects if an accident would indeed occur, even if the risk of an accident is very small;

9. *Requests* the Party concerned:

(a) To submit to the Committee detailed progress reports on 1 October 2018, 1 October 2019 and 1 October 2020 on the measures taken and the results achieved in the implementation of the above recommendations;

(b) To provide such further information as the Committee may request in order to assist it to review the progress of the Party concerned in implementing the above recommendations;

(c) To participate (either in person or by audio conference) in the meetings of the Committee at which the progress of the Party concerned in implementing the above recommendations is to be considered;

10. *Undertakes* to review the situation at its seventh session.